

05-16-05

AF/2174  
JFW

PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

404

Application Number

09/877729

Filing Date

6/8/00 &amp; 6/8/01

First Named Inventor

FRANZ A. Wakefield

Art Unit

2174

Examiner Name

BORIS PESIN

Attorney Docket Number

08.3174

**ENCLOSURES (Check all that apply)**

Fee Transmittal Form



Fee Attached

Amendment Reply

After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/  
Incomplete ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_



Landscape Table on CD

Remarks

Petition to The Director, Pursuant to 37  
CFR 1.181 (a)(1), (2), & (3): (b), (c)

After Allowance Communication to TC

Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify  
below):Petition Pursuant to:  
37 CFR 1.181**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

FRANZ A. Wakefield  
COOL TV NETWORK.COM, INC.Mr. Franz A. Wakefield  
17731 NW 14th Ct  
Miami, FL 33169

Signature

Printed name

FRANZ A. Wakefield

Date

5/14/05

Reg. No.

PRO Se

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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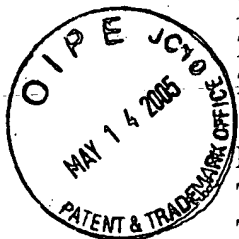
FRANZ A. Wakefield

Date

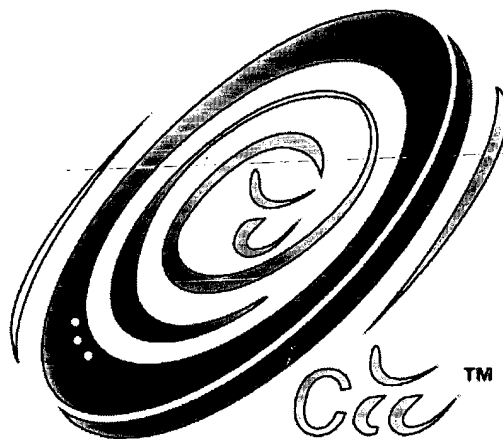
5.14.05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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May 7, 2005

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Docket Number: 083174  
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PETITION TO THE DIRECTOR

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Inventor: Franz A. Wakefield

5.14.05

Application No.: 09/877729

Art Unit: 2174

Filed: June 8, 2000 & June 8, 2001

Examiner: Boris Pesin

Title: Method & System for Creating, Using and Modifying Multifunctional Website Hotspots.  
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The Director, Pursuant to 37 CFR § 1.181 (a) (1), (2), & (3) : (b), (c)  
The United States Patent and Trademark Office  
Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (703) 872-9306

Director,

This memorandum is being generated as a petition, pursuant to 37 CFR § 1.181 (a) (1), (2), & (3) : (b), (c). Included are the statements of facts, points to be reviewed, the action requested along with the supporting evidence, as referenced in the appendix and attached hereto.

I, APPLICANT & PRO SE INVENTOR, HEREBY PETITIONS TO THE DIRECTOR FOR THE FOLLOWING:

1. The rescind of the abandonment of application 09/877729.
2. The Review and Entering of the 1/7/05 filed Affidavit, and the evidence that forms part of and accompanies the 1/7/05 Affidavit.
3. A Refund for The 37 CFR § 1.137 (B) Petition filed and The 37 CFR § 1.114 RCE.
4. The Issuing of The Notice of Allowance for Patent Application 09/877729, Pursuant to Article I Section 8 of The U.S. Constitution, 18 U.S.C. § 1001, 37 CFR § 1.113, 1.116 (b), 37 CFR § 1.131, 37 CFR § 1.133 (a) (2), & (b), 37 CFR § 1.134, 37 CFR § 1.135, 37 CFR § 1.136 (a), The Agreement made with Kristine Kincaid on 4/19/04, and the TIMELY 1/7/05 REPLY to the Final Office Action.

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**MEMORANDUM OF POINTS AND AUTHORITIES**  
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**I. STATEMENT OF UNCONTROVERTED FACTS.**

(SEE APPENDIX TAB 6)

**THE EXAMINER ACTION FILED ON (10/06/04) (A FINAL ACTION):**

- o The Office Action dated 10/06/04 is a Final Action & is responsive to communication(s) filed on June 21, 2004.

**QUOTED FROM FINAL ACTION**

- o "A shortened statutory period for REPLY is set to expire 3 months from the mailing date of this communication.  
[A] Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after six (6) months from the mailing date of this communication."

**DISPOSITION OF CLAIMS**

- o Claim(s) 1-20 is/are pending in the application.
- o Claim(s) 1-20 is/are rejected.

**APPLICATION PAPERS**

- o The drawing(s) filed on 05 August 2004 is/are a) X accepted.

(SEE APPENDIX , TAB 4 "E")

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**THE REPLY TO THE FINAL ACTION:**

- The due date for **REPLY** governed by The Examiner Final Action was 1/06/05.
- I Pro Se Inventor/Applicant, **purchased 1 month** of additional time for **REPLY** to The Final Office Action dated (10/06/04). Pursuant to 37 CFR § 1.136 (a); Making the due date for **REPLY 2/06/05**. (SEE APPENDIX, TAB 3, Pg 1), (SEE APPENDIX, TAB2)

**THE 37 CFR § 1.131 AFFIDAVIT**  
(SEE APPENDIX, CFR 1.131), (SEE APPENDIX, TAB 1), (SEE APPENDIX, TAB 2),  
(SEE APPENDIX, TAB 3), (SEE APPENDIX, TAB 4), (SEE APPENDIX TAB 5 - 7)

- The submission and the evidence that forms part of and accompanies the submission filed by I Pro Se Inventor/Applicant on 1/7/05, (Affidavit pursuant to 37 CFR § 1.131) is **RESPONSIVE** and in **FULL COMPLIANCE** to the following:

***In order of PRIORITY***  
(SEE APPENDIX, TAB 6)

1. **The Examiner Final Action dated 10/06/04**  
(SEE APPENDIX, TAB 6 Pgs. 1-3)
  2. **A ~ 2hr. Phone Interview with The Examiner (Boris Pesin), on 10/06/04**  
(SEE APPENDIX, TAB 7, Pg. 4 )
  3. **The requirements set forth in a telephonic communication with Pinchus Laufer, Special Program Examiner on or about 10/13/04**  
(SEE APPENDIX, TAB 5, Pgs. 1 - 2 )
  4. **A 4/19/04 Telephonic Interview, with Kristine Kincaid, Special Program Examiner and Jordan Golinkoff, Examiner**
- The 1/7/05 Affidavit pursuant to 37 CFR § 1.131 **WAS TIMELY FILED** (Pursuant 37 CFR § 1.134, 1.135(a), and 1.136(a)).
  - The 1/7/05 Affidavit adhered to all the requirements to form and content and objections to: as given in guidelines from The Examiner, Boris Pesin, The Special Program Examiner, Pinchus Laufer, and The Special Program Examiner, Kristine Kincaid. (SEE APPENDIX, CFR 1.131, ALL), (SEE APPENDIX, TAB 4, Pages 1 - 7 ), (SEE APPENDIX, TAB 6), (SEE APPENDIX, TAB 7)
  - The 1/7/05 Affidavit was written pursuant to 37 CFR § 1.131, 1.132, and MPEP 2136.05, and **COMPLIED** with 37 CFR § 1.116 (b). (SEE APPENDIX TAB 2)



**INFORMATIONAL FILINGS (WHICH HAD NO BEARING ON THE 2/6/05 FILING DATE)**

(SEE APPENDIX TAB 1), (SEE APPENDIX, TAB 3, Pg 3), &  
(SEE APPENDIX, CFR 1.131, TAB 3), (SEE APPENDIX, TAB 1)

- On 2/23/05 I Pro Se Inventor/Applicant filed an Affidavit of Stephen A. Benedict (APP2 & REC1 (Prior Date)) strictly for INFORMATIONAL PURPOSES. The Remarks section of the certified transmittal sheet reads:

**“Attached hereto: Affidavit of Mr. Stephen A. Benedict (Prior Date) it contains THE NOTARY SEAL FOR Identification purposes.  
→ APP2 & REC1 (Prior Date)”**

- Pursuant to “A HANDBOOK FOR VIRGINIA NOTARIES PUBLIC,” Published by the Office of the Secretary of the Commonwealth; page 6, The ONLY REQUIRED INFORMATION for Virginia Notaries are as followed:

1. Notarial statement
2. The date of the notarial act
3. The place of the notarial act
4. The expiration date of the notary’s commission
5. Notary’s signature

Thus the NOTARY SEAL is not necessary for Virginia Notaries.

(SEE APPENDIX, CFR 1.131, TAB 3)

- The Affidavit of Mr. Stephen A. Benedict, formed part of and was attached to the 1/7/05 Affidavit filed in Response to The Final Action dated 10/06/04.

(SEE APPENDIX, TAB 3, Pg. 4), (SEE APPENDIX, TAB 4, “F” & ”G”)

- The University of Florida DOW Presentation, by I Pro SE Inventor/Applicant, Franz A. Wakefield (APP9 & REC1) which was filed via Central Fax on 3/22/05 was filed for INFORMATIONAL PURPOSES ONLY. The Remarks section of the certified transmittal sheet reads:

**“Remarks: (INFORMATIONAL REFERENCE ONLY)  
This is a duplicate transmission of (APP9 & REC1) that is itemized  
In the Appendix of the Affidavit filed & certified on 1/07/05.  
Reference email 3/22/05 sent to Kristine Kincaid & Boris Pesin.  
Thank-You.”**

- The University of Florida DOW Presentation, by I Pro SE Inventor/Applicant, Franz A. Wakefield (APP9 & REC1), formed part of and was attached to the 1/7/05 Affidavit filed in Response to The Final Action dated 10/06/04.
- 

#### **THE EXAMINER'S 4/21/05 ADVISORY ACTION**

##### ***STATES IN QUOTE:***

- “THE REPLY FILED 01/07/2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
  - (a) The period for reply expires 4 months from the mailing date of the final rejection.”
- “**AFFIDAVIT OR OTHER EVIDENCE**  
The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. SEE 37 CFR 1.116(e).”

#### **THE NOTICE OF ABANDONMENT FILED BY THE EXAMINER**

##### ***STATES IN QUOTE:***

- “1. Applicant’s failure to timely file a proper reply to the Office letter mailed on 06 October 2004.
  - (b) X A proposed reply was received on 2/24/2005, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) A timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).”

## II. STATEMENT OF LEGAL AUTHORITY, & POINTS TO BE REVIEWED.

### ◦ ARGUMENT

For the prosecution of Patent Application: **09/877729** designated as : **Method And System For Creating, Using And Modifying Multifunctional Website Hotspots**; which was invented and reduced to practice on **April 30, 1996** and has been duly proven to be in compliance with and fulfilling 37 CFR § 1.113, 1.116(b), 1.131, 1.132, 1.133 (a) (2), & (b), 1.134, 1.135, 1.136(a) with such clear and convincing evidence in and through The Affidavits and evidence that forms part of and accompanies the Affidavits filed on **4/23/04** and on **1/7/05**, that any person with ordinary skills in the art of "The Law" would see the same. It is justified and ratified by Article I Section 8 of The United States Constitution, 18 U.S.C. § 1001, Title 37 --- Code of Federal Regulations, The 1999 American Inventors Protection Act, The Manual of Patenting Examining Procedure, and The Laws of The State of Virginia (Va. Code Ann. § 8.01-228 et. Seq.---Oral Contracts).

The facts are that the **REPLY** to the 10/06/04 Final Rejection was **TIMELY FILED** on 1/07/05 with the United States Patent and Trademark Office and fully in compliance. The Examiner, along with some of the colleagues in his chain of command, has decided to intentionally delay administratively the prosecution of this application, by:

(SEE APPENDIX, TAB 4 "A", "B", "C"), (SEE APPENDIX, TAB 4 Pgs. 1 -2),  
(SEE APPENDIX, TAB 5, Pg. 2)

1. Breaching the oral AGREEMENT made with I, Pro Se Inventor/Applicant and Kristine Kincaid, SPE of Technology Center 2100 on 4/19/04, regarding Receiving An Allowance after filing a **TIMELY** and **BONA FIDE** attempt to be in **compliance with and fulfilling 37 CFR § 1.131.**

(SEE APPENDIX, TAB 2, R-87), (SEE APPENDIX, TAB 4, Pgs 1 – 4), &  
(SEE APPENDIX TAB 7, Pgs. 5 – 9)

2. Filing a deficient and clearly erroneous Advisory Action on 4/21/05 and shortly thereafter a Notice of Abandonment on 5/03/05.

These actions by **The Examiner** are deliberate violations of fundamental laws of The State of Virginia (breach of contract, & requirement and purpose of notary), and a malicious attempt to contaminate The 1999 Congressional Act (American Inventors Protection---namely Section 402 and 504) by incorrectly stating and recording a "Failure to Respond to Office Action," and ultimately pursuing the illegal entail of "striping" I, Pro Se Inventor & Applicant of the rights ordained by Article I Section 8 of The United States Constitution, which was established as a pillar to economic catalyst by promoting "the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to

their respective writings and discoveries.” The Examiner has already broken the law. The criminal non-entry of the **TIMELY 1/7/05 Affidavit** would; 1.) Breach the oral contract made with Kristine Kincaid, SPE, 2.) Bar entry of “ Hard Evidence” from the record, 3.) Render the application abandoned, 4.) Place the burden of delay on I Pro Se Inventor/Applicant, ultimately running a baffle counter to Section 402 of The 1999 American Inventors Protection Act, and 5.) Intentionally dilute testimony, & evidence that could be brought to The Board of Patent Appeals and Interferences to secure the exclusive and superior right to my Discovery & Invention. (37 CFR § 41.37 (c) (1) (vii) & (ix) : (2))

“The right to recover damages based on use before a patent was granted would apply to only a short period of time. Under H.R. 1907, applications would be published 18 months after filing and, according to the PTO, successful applications are approved, on average, 24 months after filing.”<sup>1</sup>

**THIS STANCE IS SUPPORTED BY LAW; NAMELY:**

*(SEE APPENDIX, TAB 2)*

***In Order of Priority***

1. ARTICLE I SECTION 8 OF THE UNITED STATES CONSTITUTION
2. THE 1999 AMERICAN INVENTORS PROTECTION ACT
3. 18 U.S.C. § 1001
4. MPEP 502.03
5. 37 CFR § 1.133 (A)(2), & (B)
6. THE AGREEMENT (ORAL CONTRACT) MADE WITH KRISTINE KINCAID, SPE ON 4/19/04 (ELEMENTS OF BREACH OF CONTRACT).
7. Va. CODE § 8.01-228 ET. SEQ. (3 YEAR STATUTORY TIME BAR FOR ORAL CONTRACTS).
8. 37 CFR § 1.111 (A)(1); (2)(B)
9. 37 CFR § 1.134

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<sup>1</sup> Section 402 would extend the terms of some patents for up to 10 years to compensate for **administrative delays** by the PTO. Section 504 would allow holders of new patents to file civil suits to recover damages for unauthorized use of their inventions while the applications for those inventions were under review by the PTO.---**H.R. 1907 American Inventors Protection Act of 1999**  
As reported by the Senate Committee on the Judiciary on November 5, 1999.

10. 37 CFR § 1.135
  11. 37 CFR § 1.136(A)
  12. 37 CFR § 1.131
  13. 37 CFR § 1.132
  14. MPEP 2136.05
  15. 37 CFR § 1.113
  16. 37 CFR § 1.116(B)
  17. 37 CFR § 1.116(B)(1)
  18. 37 CFR § 1.114
  19. 37 CFR § 1.181(A)(1), (2) & (3) : (b), (c)
  20. 37 CFR § 1.137(B)
  21. 37 CFR § 41.37 (c)(1) (vii) & (ix) : (2)
- -----

### **III. ARGUMENT IN SUPPORT OF LEGAL MEMORANDUM:**

- **ARGUMENT IN SUPPORT OF REQUESTS MADE IN THIS LEGAL MEMORANDUM AND PETITION TO THE DIRECTOR PURSUANT TO 37 CFR § 1.181**

The requests made in this Legal Memorandum and PETITION to The Director is appropriate pursuant to 37 CFR § 1.181 (a)(1), (2) & (3) : (b), (c) which states:

“ (a) Petition may be taken to the Director:

- (1) From any action or requirement of any examiner in the ex parte prosecution of an application, or in ex parte or inter partes prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court;
- (2) In cases in which a statute or the rules specify that the matter is to be determined directly by or reviewed by the Director; and

(3) To invoke the supervisory authority of the Director in appropriate circumstances. For petitions involving action of the Board of Patent Appeals and Interferences, see § 41.3 of this title.

(b) Any such petition must contain a statement of the facts involved and the point or points to be reviewed and the action requested. Briefs or memoranda, if any, in support thereof should accompany or be embodied in the petition; and where facts are to be proven, the proof in the form of affidavits or declarations (any exhibits, if any) must accompany the petition.

(c) When a petition is taken from an action or requirement of an examiner in the ex parte prosecution of an application, or in the ex parte or inter partes prosecution of a reexamination proceeding, it may be required that there have been a proper request for reconsideration (§ 1.111) and a repeated action by the examiner. The examiner may be directed by the Director to furnish a written statement, within a specified time, setting forth the reasons for his or her decision upon the matters averred in the petition, supplying a copy to the petitioner.”

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IV. TERMINAL DISCLAIMER WITH DISCLAIMER FEE:

- X Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

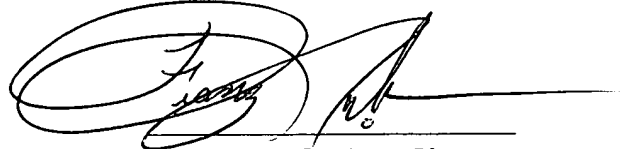
V. REQUESTED ACTION.

STATEMENT: THUS I, APPLICANT AND PRO SE INVENTOR,  
HEREBY PETITIONS TO THE DIRECTOR FOR THE FOLLOWING:

1. The rescind of the abandonment of application 09/877729.
2. The Review and Entering of the TIMELY FILED 1/7/05 Affidavit, and the evidence that forms part of and accompanies the 1/7/05 Affidavit.

3. A Refund for The 37 CFR § 1.137 (B) Petition filed and The 37 CFR § 1.114 RCE.
4. The Issuing of The Notice of Allowance for Patent Application 09/877729, Pursuant to Article I Section 8 of The U.S. Constitution, 18 U.S.C. § 1001, 37 CFR § 1.113, 1.116 (b), 37 CFR § 1.131, 37 CFR § 1.133 (a) (2), & (b), 37 CFR § 1.134, 37 CFR § 1.135, 37 CFR § 1.136 (a), The Oral Agreement made with Kristine Kincaid on 4/19/04, and the TIMELY 1/7/05 REPLY to the Final Office Action.

Respectfully Requested,



Franz A. Wakefield, Pro Se Inventor & Applicant  
President & Chief Product Design Engineer  
COOLTVNetwork.com™, Inc.  
17731 NORTH WEST 14<sup>TH</sup> COURT  
MIAMI, FLORIDA 33169  
FRANZWAKEFIELD@HOTMAIL.COM  
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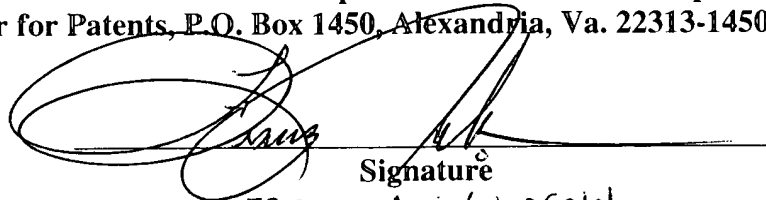
**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]**

**I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING:**

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Va. 22313-1450.

5.14.05

DATE



Signature

FRANZ A. Wakefield

Typed or printed name of person signing certificate

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ClickVideoBay.com™

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## APPENDIX

PETITION PURSUANT TO 37 CFR § 1.181.....	I.
APPENDIX.....	II.
VIRGINIA NOTARY HANDBOOK.....	III.
REGULATIONS	
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# **COPY**

**A  
HANDBOOK  
FOR  
VIRGINIA  
NOTARIES PUBLIC**

Published by the  
Office of the  
Secretary of the Commonwealth  
July 1, 2003  
Notary Public Division Post Office Box 1795  
Richmond, Virginia 23218-1795  
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Tel. (804) 786-2441  
Fax (804) 371-0017

## NOTARY PUBLIC HANDBOOK

practice is to **REFUSE** to notarize any signature unless the identity of the signer is clearly established.

In taking an acknowledgment or administering an oath, the person whose act is the subject of the notarial act must personally appear before the notary.

### REQUIRED INFORMATION

Every notarial act must contain five items of standard information:

**COPY**

1. Notarial statement
2. The date of the notarial act
3. The place of the notarial act
4. The expiration date of the notary's commission
5. Notary's signature

Each of these items is required by law and are extremely important. The notary must be accurate in providing this information.

A notarial statement must identify the specific notarial act that has been performed (acknowledgment, oath, certificate, etc.).

The date and location of the notarial act must be clearly indicated. Usually, the language of a notarial act contains a place for this information. When it does not, the best place to put the date is immediately above the place where the notary will sign, using language such as:

"Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_."

\_\_\_\_\_  
Notary Public

Both the state and the city or county in which the act was performed must appear. In most cases, this information appears above the language of the notarial act. If a form or certificate lacks space for this information, the notary must provide it somewhere on the form or certificate.

The date of expiration is required and generally appears after the signature of the notary in this form:  
"My commission expires, \_\_\_\_\_, 20\_\_."

Occasionally it is necessary for the Office of the Secretary of the Commonwealth to certify that a notary is properly commissioned to serve in Virginia. A notary whose name is legally changed during his or her term must indicate in writing the name in which the commission was issued.

For example, if Mary Jane Smith, a notary public commissioned on July 1, 2001, changed her legal name to Mary Smith Jones, she must indicate on all notarial acts the original name in which her commission was issued. Therefore the following language should appear:

"My commission expires, this \_\_\_\_ day of \_\_\_, 20\_\_.  
I was commissioned a notary public as Mary Jane Smith."

patent under reexamination and in the other patent were made as a result of activities undertaken within the scope of the joint research agreement. This double patenting rejection will be made regardless of whether the application or patent under reexamination and the non-commonly owned patent have the same or a different inventive entity. This double patenting rejection may be obviated by filing a terminal disclaimer in accordance with § 1.321(d).

[Added 70 FR 1818, Jan. 11, 2005, effective Dec. 10, 2004]

**§ 1.110 Inventorship and date of invention of the subject matter of individual claims.**

When more than one inventor is named in an application or patent, the Patent and Trademark Office, when necessary for purposes of an Office proceeding, may require an applicant, patentee, or owner to identify the inventive entity of the subject matter of each claim in the application or patent. Where appropriate, the invention dates of the subject matter of each claim and the ownership of the subject matter on the date of invention may be required of the applicant, patentee or owner. See also §§ 1.78(c) and 1.130.

[50 FR 9381, Mar. 7, 1985, effective date May 8, 1985; revised, 61 FR 42790, Aug. 19, 1996, effective Sept. 23, 1996]

**ACTION BY APPLICANT AND FURTHER CONSIDERATION**

**§ 1.111 Reply by applicant or patent owner to a non-final Office action.**

(a)(1) If the Office action after the first examination (§ 1.104) is adverse in any respect, the applicant or patent owner, if he or she persists in his or her application for a patent or reexamination proceeding, must reply and request reconsideration or further examination, with or without amendment. See §§ 1.135 and 1.136 for time for reply to avoid abandonment.

(2) *Supplemental replies.* (i) A reply that is supplemental to a reply that is in compliance with § 1.111(b) will not be entered as a matter of right except as provided in paragraph (a)(2)(ii) of this section. The Office may enter a supplemental reply if the supplemental reply is clearly limited to:

- (A) Cancellation of a claim(s);
- (B) Adoption of the examiner suggestion(s);
- (C) Placement of the application in condition for allowance;
- (D) Reply to an Office requirement made after the first reply was filed;
- (E) Correction of informalities (e.g., typographical errors); or
- (F) Simplification of issues for appeal.

(ii) A supplemental reply will be entered if the supplemental reply is filed within the period during which action by the Office is suspended under § 1.103(a) or (c).

(b) In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a *bona fide* attempt to advance the application or the reexamination proceeding to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.

(c) In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner must also show how the amendments avoid such references or objections.

[46 FR 29182, May 29, 1981; para. (b) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; paras. (a) and (c) revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7,

2000; para. (a)(2) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; para. (a)(2) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004; para. (a)(2)(i) revised, 70 FR 3880, Jan. 27, 2005, effective Dec. 8, 2004]

### § 1.112 Reconsideration before final action.

After reply by applicant or patent owner (§ 1.111 or § 1.945) to a non-final action and any comments by an inter partes reexamination requester (§ 1.947), the application or the patent under reexamination will be reconsidered and again examined. The applicant, or in the case of a reexamination proceeding the patent owner and any third party requester, will be notified if claims are rejected, objections or requirements made, or decisions favorable to patentability are made, in the same manner as after the first examination (§ 1.104). Applicant or patent owner may reply to such Office action in the same manner provided in § 1.111 or § 1.945, with or without amendment, unless such Office action indicates that it is made final (§ 1.113) or an appeal (§ 41.31 of this title) has been taken (§ 1.116), or in an inter partes reexamination, that it is an action closing prosecution (§ 1.949) or a right of appeal notice (§ 1.953).

[46 FR 29182, May 29, 1981; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; revised, 65 FR 76756, Dec. 7, 2000, effective Feb. 5, 2001; revised, 69 FR 49959, Aug. 12, 2004, effective Sept. 13, 2004]

### § 1.113 Final rejection or action.

(a) On the second or any subsequent examination or consideration by the examiner the rejection or other action may be made final, whereupon applicant's, or for ex parte reexaminations filed under § 1.510, patent owner's reply is limited to appeal in the case of rejection of any claim (§ 41.31 of this title), or to amendment as specified in § 1.114 or § 1.116. Petition may be taken to the Director in the case of objections or requirements not involved in the rejection of any claim (§ 1.181). Reply to a final rejection or action must comply with § 1.114 or paragraph (c) of this section. For final actions in an inter partes reexamination filed under § 1.913, see § 1.953.

(b) In making such final rejection, the examiner shall repeat or state all grounds of rejection then considered applicable to the claims in the application, clearly stating the reasons in support thereof.

(c) Reply to a final rejection or action must include cancellation of, or appeal from the rejection of, each rejected claim. If any claim stands allowed, the reply to a final rejection or action must comply with any requirements or objections as to form.

[24 FR 10332, Dec. 22, 1959; 46 FR 29182, May 29, 1981; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 FR 14865, Mar. 20, 2000, effective May 29, 2000 (adopted as final, 65 FR 50092, Aug. 16, 2000); para. (a) revised, 65 FR 76756, Dec. 7, 2000, effective Feb. 5, 2001; para. (a) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; para. (a) revised, 69 FR 49959, Aug. 12, 2004, effective Sept. 13, 2004]

### § 1.114 Request for continued examination.

(a) If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:

- (1) Payment of the issue fee, unless a petition under § 1.313 is granted;
- (2) Abandonment of the application; or
- (3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated.

(b) Prosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application.

(c) A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. If reply to an Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111.

(d) If an applicant timely files a submission and fee set forth in § 1.17(e), the Office will withdraw the finality of any Office action and the submission will be entered and considered. If an applicant files a request for continued examination under this section after appeal, but prior to a decision on the appeal, it will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the

examiner. An appeal brief (§ 41.37 of this title) or a reply brief (§ 41.41 of this title), or related papers, will not be considered a submission under this section.

(e) The provisions of this section do not apply to:

- (1) A provisional application;
- (2) An application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995;
- (3) An international application filed under 35 U.S.C. 363 before June 8, 1995;
- (4) An application for a design patent; or
- (5) A patent under reexamination.

[Added 65 FR 14865, Mar. 20, 2000, effective May 29, 2000; revised 65 FR 50092, Aug. 16, 2000; para. (d) revised, 69 FR 49959, Aug. 12, 2004, effective Sept. 13, 2004]

## AMENDMENTS

### § 1.115 Preliminary amendments.

(a) A preliminary amendment is an amendment that is received in the Office (§ 1.6) on or before the mail date of the first Office action under § 1.104. The patent application publication may include preliminary amendments (§ 1.215 (a)).

(1) A preliminary amendment that is present on the filing date of an application is part of the original disclosure of the application.

(2) A preliminary amendment filed after the filing date of the application is not part of the original disclosure of the application.

(b) A preliminary amendment in compliance with § 1.121 will be entered unless disapproved by the Director.

(1) A preliminary amendment seeking cancellation of all the claims without presenting any new or substitute claims will be disapproved.

(2) A preliminary amendment may be disapproved if the preliminary amendment unduly interferes with the preparation of a first Office action in an application. Factors that will be considered in disapproving a preliminary amendment include:

(i) The state of preparation of a first Office action as of the date of receipt (§ 1.6) of the preliminary amendment by the Office; and

(ii) The nature of any changes to the specification or claims that would result from entry of the preliminary amendment.

(3) A preliminary amendment will not be disapproved under (b)(2) of this section if it is filed no later than:

(i) Three months from the filing date of an application under § 1.53 (b);

(ii) The filing date of a continued prosecution application under § 1.53 (d); or

(iii) Three months from the date the national stage is entered as set forth in § 1.491 in an international application.

(4) The time periods specified in paragraph (b)(3) of this section are not extendable.

[46 FR 29183, May 29, 1981; removed and reserved, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; added, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; para. (b)(1) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; revised, 69 FR 56481, Sept. 21, 2004, effective Sept. 21, 2004]

### § 1.116 Amendments and affidavits or other evidence after final action and prior to appeal.

(a) An amendment after final action must comply with § 1.114 or this section.

(b) After a final rejection or other final action (§ 1.113) in an application or in an ex parte reexamination filed under § 1.510, or an action closing prosecution (§ 1.949) in an inter partes reexamination filed under § 1.913, but before or on the same date of filing an appeal (§ 41.31 or § 41.61 of this title):

(1) An amendment may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office action;

(2) An amendment presenting rejected claims in better form for consideration on appeal may be admitted; or

(3) An amendment touching the merits of the application or patent under reexamination may be admitted upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented.

(c) The admission of, or refusal to admit, any amendment after a final rejection, a final action, an action closing prosecution, or any related proceedings will not operate to relieve the application or reexami-

nation proceeding from its condition as subject to appeal or to save the application from abandonment under § 1.135, or the reexamination prosecution from termination under § 1.550(d) or § 1.957(b) or limitation of further prosecution under § 1.957(c).

(d)(1) Notwithstanding the provisions of paragraph (b) of this section, no amendment other than canceling claims, where such cancellation does not affect the scope of any other pending claim in the proceeding, can be made in an inter partes reexamination proceeding after the right of appeal notice under § 1.953 except as provided in § 1.981 or as permitted by § 41.77(b)(1) of this title.

(2) Notwithstanding the provisions of paragraph (b) of this section, an amendment made after a final rejection or other final action (§ 1.113) in an ex parte reexamination filed under § 1.510, or an action closing prosecution (§ 1.949) in an inter partes reexamination filed under § 1.913 may not cancel claims where such cancellation affects the scope of any other pending claim in the reexamination proceeding except as provided in § 1.981 or as permitted by § 41.77(b)(1) of this title.

(e) An affidavit or other evidence submitted after a final rejection or other final action (§ 1.113) in an application or in an ex parte reexamination filed under § 1.510, or an action closing prosecution (§ 1.949) in an inter partes reexamination filed under § 1.913 but before or on the same date of filing an appeal (§ 41.31 or § 41.61 of this title), may be admitted upon a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented.

(f) Notwithstanding the provisions of paragraph (e) of this section, no affidavit or other evidence can be made in an inter partes reexamination proceeding after the right of appeal notice under § 1.953 except as provided in § 1.981 or as permitted by § 41.77 (b)(1) of this title.

(g) After decision on appeal, amendments, affidavits and other evidence can only be made as provided in §§ 1.198 and 1.981, or to carry into effect a recommendation under § 41.50(c) of this title.

[24 FR 10332, Dec. 22, 1959; 46 FR 29183, May 29, 1981; para. (a) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 FR 14865, Mar. 20, 2000, effective May 29, 2000 (adopted as final, 65 FR 50092, Aug. 16, 2000); paras. (b) and (d) revised, 65 FR 76756,

Dec. 7, 2000, effective Feb. 5, 2001; revised, 69 FR 49959, Aug. 12, 2004, effective Sept. 13, 2004]

## § 1.117 [Reserved]

[Removed and reserved, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

## § 1.118 [Reserved]

[48 FR 2712, Jan. 20, 1983, effective Feb. 27, 1983; removed and reserved, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

## § 1.119 [Reserved]

[32 FR 13583, Sept. 28, 1967; removed and reserved, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

## § 1.121 Manner of making amendments in applications.

(a) *Amendments in applications, other than reissue applications.* Amendments in applications, other than reissue applications, are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made.

(b) *Specification.* Amendments to the specification, other than the claims, computer listings (§ 1.96) and sequence listings (§ 1.825), must be made by adding, deleting or replacing a paragraph, by replacing a section, or by a substitute specification, in the manner specified in this section.

(1) *Amendment to delete, replace, or add a paragraph.* Amendments to the specification, including amendment to a section heading or the title of the invention which are considered for amendment purposes to be an amendment of a paragraph, must be made by submitting:

(i) An instruction, which unambiguously identifies the location, to delete one or more paragraphs of the specification, replace a paragraph with one or more replacement paragraphs, or add one or more paragraphs;

(ii) The full text of any replacement paragraph with markings to show all the changes relative to the previous version of the paragraph. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brack-

claims in the patent or published application are not identical but are not patentably distinct, and the inventions are owned by the same party, the applicant or owner of the patent under reexamination may disqualify the patent or patent application publication as prior art. The patent or patent application publication can be disqualified as prior art by submission of:

(1) A terminal disclaimer in accordance with § 1.321(c); and

(2) An oath or declaration stating that the application or patent under reexamination and patent or published application are currently owned by the same party, and that the inventor named in the application or patent under reexamination is the prior inventor under 35 U.S.C. 104.

(b) [Reserved]

[Added, 61 FR 42790, Aug. 19, 1996, effective Sept. 23, 1996; heading and para. (a) revised, 65 FR 57024, Sept. 20, 2000, effective Nov. 29, 2000; para. (b) removed and reserved, 70 FR 1818, Jan. 11, 2005, effective Dec. 10, 2004]

#### **§ 1.131 Affidavit or declaration of prior invention.**

(a) When any claim of an application or a patent under reexamination is rejected, the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under §§ 1.42, 1.43, or 1.47, may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based. The effective date of a U.S. patent, U.S. patent application publication, or international application publication under PCT Article 21(2) is the earlier of its publication date or date that it is effective as a reference under 35 U.S.C. 102(e). Prior invention may not be established under this section in any country other than the United States, a NAFTA country, or a WTO member country. Prior invention may not be established under this section before December 8, 1993, in a NAFTA country other than the United States, or before January 1, 1996, in a WTO member country other than a NAFTA country. Prior invention may not be established under this section if either:

(1) The rejection is based upon a U.S. patent or U.S. patent application publication of a pending or patented application to another or others which claims

the same patentable invention as defined in § 41.203(a) of this title, in which case an applicant may suggest an interference pursuant to § 41.202(a) of this title; or

(2) The rejection is based upon a statutory bar.

(b) The showing of facts shall be such, in character and weight, as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application. Original exhibits of drawings or records, or photocopies thereof, must accompany and form part of the affidavit or declaration or their absence must be satisfactorily explained.

[24 FR 10332, Dec. 22, 1959; 34 FR 18857, Nov. 26, 1969; para. (a), 48 FR 2713, Jan. 20, 1983, effective Feb. 27, 1983; para. (a), 50 FR 9381, Mar. 7, 1985, effective May 8, 1985; 50 FR 11366, Mar. 21, 1985; 53 FR 23733, June 23, 1988, effective Sept. 12, 1988; para. (a)(1) revised and para. (a)(2) added, 60 FR 21043, May 1, 1995, effective May 31, 1995; para. (a) revised, 61 FR 42790, Aug. 19, 1996, effective Sept. 23, 1996; heading and para. (a) revised, 65 FR 54604, Sept. 8, 2000, effective Sept. 8, 2000; para. (a) revised, 65 FR 57024, Sept. 20, 2000, effective Nov. 29, 2000; para. (a)(1) revised, 69 FR 49959, Aug. 12, 2004, effective Sept. 13, 2004; para. (b) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

#### **§ 1.132 Affidavits or declarations traversing rejections or objections.**

When any claim of an application or a patent under reexamination is rejected or objected to, any evidence submitted to traverse the rejection or objection on a basis not otherwise provided for must be by way of an oath or declaration under this section.

[48 FR 2713, Jan. 20, 1983, effective Feb. 27, 1983; revised, 61 FR 42790, Aug. 19, 1996, effective Sept. 23, 1996; revised, 65 FR 54604, Sept. 8, 2000, effective Sept. 8, 2000; revised 65 FR 57024, Sept. 20, 2000, effective Nov. 29, 2000]

### **INTERVIEWS**

#### **§ 1.133 Interviews.**

(a)(1) Interviews with examiners concerning applications and other matters pending before the

Office must be conducted on Office premises and within Office hours, as the respective examiners may designate. Interviews will not be permitted at any other time or place without the authority of the Director.

(2) An interview for the discussion of the patentability of a pending application will not occur before the first Office action, unless the application is a continuing or substitute application.

(3) The examiner may require that an interview be scheduled in advance.

(b) In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office actions as specified in §§ 1.111 and 1.135.

[Para. (b) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; para. (a)(1) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003]

#### TIME FOR REPLY BY APPLICANT; ABANDONMENT OF APPLICATION

##### § 1.134 Time period for reply to an Office action.

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

[47 FR 41276, Sept. 17, 1982, effective Oct. 1, 1982; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

##### § 1.135 Abandonment for failure to reply within time period.

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.

(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admis-

sion of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

(c) When reply by the applicant is a *bona fide* attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

[Paras. (a), (b), and (c), 47 FR 41276, Sept. 17, 1982, effective Oct. 1, 1982; para. (d) deleted, 49 FR 555, Jan. 4, 1984, effective Apr. 1, 1984; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

##### § 1.136 Extensions of time.

(a)(1) If an applicant is required to reply within a nonstatutory or shortened statutory time period, applicant may extend the time period for reply up to the earlier of the expiration of any maximum period set by statute or five months after the time period set for reply, if a petition for an extension of time and the fee set in § 1.17(a) are filed, unless:

(i) Applicant is notified otherwise in an Office action;

(ii) The reply is a reply brief submitted pursuant to § 41.41 of this title;

(iii) The reply is a request for an oral hearing submitted pursuant to § 41.47(a) of this title;

(iv) The reply is to a decision by the Board of Patent Appeals and Interferences pursuant to § 1.304 or to § 41.50 or § 41.52 of this title; or

(v) The application is involved in a contested case 41.101 (§ (a) of this title).

(2) The date on which the petition and the fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The expiration of the time period is determined by the amount of the fee paid. A reply must be filed prior to the expiration of the period of extension to avoid abandonment of the application (§ 1.135), but in no situation may an applicant reply later than the maximum time period set by statute, or be granted an extension of time under paragraph (b) of this section when the provisions of this paragraph are available. See § 1.304 for extensions of time to appeal to the U.S. Court of Appeals for the Federal Circuit or to



commence a civil action; § 1.550(c) for extensions of time in *ex parte* reexamination proceedings; § 1.956 for extensions of time in *inter partes* reexamination proceedings; and §§ 41.4(a) and 41.121(a)(3) of this title for extensions of time in contested cases before the Board of Patent Appeals and Interferences.

(3) A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission.

(b) When a reply cannot be filed within the time period set for such reply and the provisions of paragraph (a) of this section are not available, the period for reply will be extended only for sufficient cause and for a reasonable time specified. Any request for an extension of time under this paragraph must be filed on or before the day on which such reply is due, but the mere filing of such a request will not affect any extension under this paragraph. In no situation can any extension carry the date on which reply is due beyond the maximum time period set by statute. See § 1.304 for extensions of time to appeal to the U.S. Court of Appeals for the Federal Circuit or to commence a civil action; § 1.550(c) for extensions of time in *ex parte* reexamination proceedings; § 1.956 for extensions of time in *inter partes* reexamination proceedings; and §§ 41.4(a) and 41.121(a)(3) of this title for extensions of time in contested cases before the Board of Patent Appeals and Interferences. Any request under this section must be accompanied by the petition fee set forth in § 1.17(g).

(c) If an applicant is notified in a "Notice of Allowability" that an application is otherwise in condition for allowance, the following time periods are not extendable if set in the "Notice of Allowability"

or in an Office action having a mail date on or after the mail date of the "Notice of Allowability":

(1) The period for submitting an oath or declaration in compliance with § 1.63;

(2) The period for submitting formal drawings set under § 1.85(c); and

(3) The period for making a deposit set under § 1.809(c).

[47 FR 41277, Sept. 17, 1982, effective Oct. 1, 1982; 49 FR 555, Jan. 4, 1984, effective Apr. 1, 1984; 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; 54 FR 29551, July 13, 1989, effective Aug. 20, 1989; para. (a) revised, 58 FR 54504, Oct. 22, 1993, effective Jan. 3, 1994; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (c) added, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; paras. (a)(2) and (b) revised, 65 FR 76756, Dec. 7, 2000, effective Feb. 5, 2001; para. (c) revised, 66 FR 21090, Apr. 27, 2001, effective May 29, 2001; paras. (a)(1), (a)(2), and (b) revised, 69 FR 49959, Aug. 12, 2004, effective Sept. 13, 2004; para. (b) revised, 69 FR 56481, Sept. 21, 2004, effective Nov. 22, 2004; para. (b) revised, 70 FR 3880, Jan. 27, 2005, effective Dec. 8, 2004]

#### § 1.137 Revival of abandoned application, terminated reexamination proceeding, or lapsed patent.

(a) *Unavoidable.* If the delay in reply by applicant or patent owner was unavoidable, a petition may be filed pursuant to this paragraph to revive an abandoned application, a reexamination proceeding terminated under §§ 1.550(d) or 1.957(b) or (c), or a lapsed patent. A grantable petition pursuant to this paragraph must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;

(2) The petition fee as set forth in § 1.17(l);

(3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and

(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

(b) *Unintentional.* If the delay in reply by applicant or patent owner was unintentional, a petition may be filed pursuant to this paragraph to revive an abandoned application, a reexamination proceeding terminated under §§ 1.550(d) or 1.957(b) or (c), or a lapsed

patent being reissued must be presented in each of the reissue applications as an amended, unamended, or canceled (shown in brackets) claim, with each such claim bearing the same number as in the patent being reissued. The same claim of the patent being reissued may not be presented in its original unamended form for examination in more than one of such multiple reissue applications. The numbering of any added claims in any of the multiple reissue applications must follow the number of the highest numbered original patent claim.

(c) If any one of the several reissue applications by itself fails to correct an error in the original patent as required by 35 U.S.C. 251 but is otherwise in condition for allowance, the Office may suspend action in the allowable application until all issues are resolved as to at least one of the remaining reissue applications. The Office may also merge two or more of the multiple reissue applications into a single reissue application. No reissue application containing only unamended patent claims and not correcting an error in the original patent will be passed to issue by itself.

[47 FR 41278, Sept. 17, 1982, effective date Oct. 1, 1982; revised, 54 FR 6893, Feb. 15, 1989, 54 FR 9432, March 7, 1989, effective Apr. 17, 1989; revised, 60 FR 20195, Apr. 25, 1995, effective June 8, 1995; revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000]

#### **§ 1.178 Original patent; continuing duty of applicant.**

(a) The application for reissue of a patent shall constitute an offer to surrender that patent, and the surrender shall take effect upon reissue of the patent. Until a reissue application is granted, the original patent shall remain in effect.

(b) In any reissue application before the Office, the applicant must call to the attention of the Office any prior or concurrent proceedings in which the patent (for which reissue is requested) is or was involved, such as interferences, reissues, reexaminations, or litigations and the results of such proceedings (see also § 1.173(a)(1)).

[24 FR 10332, Dec. 22, 1959; 34 FR 18857, Nov. 26, 1969; revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Sept. 21, 2004]

#### **§ 1.179 [Reserved]**

[Removed and reserved, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

### **PETITIONS AND ACTION BY THE DIRECTOR**

#### **§ 1.181 Petition to the Director.**

(a) Petition may be taken to the Director:

(1) From any action or requirement of any examiner in the *ex parte* prosecution of an application, or in *ex parte* or *inter partes* prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court;

(2) In cases in which a statute or the rules specify that the matter is to be determined directly by or reviewed by the Director; and

(3) To invoke the supervisory authority of the Director in appropriate circumstances. For petitions involving action of the Board of Patent Appeals and Interferences, see § 41.3 of this title.

(b) Any such petition must contain a statement of the facts involved and the point or points to be reviewed and the action requested. Briefs or memoranda, if any, in support thereof should accompany or be embodied in the petition; and where facts are to be proven, the proof in the form of affidavits or declarations (and exhibits, if any) must accompany the petition.

(c) When a petition is taken from an action or requirement of an examiner in the *ex parte* prosecution of an application, or in the *ex parte* or *inter partes* prosecution of a reexamination proceeding, it may be required that there have been a proper request for reconsideration (§ 1.111) and a repeated action by the examiner. The examiner may be directed by the Director to furnish a written statement, within a specified time, setting forth the reasons for his or her decision upon the matters averred in the petition, supplying a copy to the petitioner.

(d) Where a fee is required for a petition to the Director the appropriate section of this part will so indicate. If any required fee does not accompany the petition, the petition will be dismissed.

(e) Oral hearing will not be granted except when considered necessary by the Director.

(f) The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

(g) The Director may delegate to appropriate Patent and Trademark Office officials the determination of petitions.

[24 FR 10332, Dec. 22, 1959; 34 FR 18857, Nov. 26, 1969; paras. (d) and (g), 47 FR 41278, Sept. 17, 1982, effective Oct. 1, 1982; para. (a), 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; para. (f) revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; paras. (a) and (c) revised, 65 FR 76756, Dec. 7, 2000, effective Feb. 5, 2001; paras. (a), (a)(2)-(3), (c)-(e) & (g) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; para. (a)(3) revised, 69 FR 49959, Aug. 12, 2004, effective Sept. 13, 2004]

## § 1.182 Questions not specifically provided for.

All situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Director, subject to such other requirements as may be imposed, and such decision will be communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in § 1.17(f).

[47 FR 41278, Sept. 17, 1982, effective date Oct. 1, 1982; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; revised, 69 FR 56481, Sept. 21, 2004, effective Nov. 22, 2004]

## § 1.183 Suspension of rules.

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(f).

[47 FR 41278, Sept. 17, 1982, effective Oct. 1, 1982; revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; revised, 69 FR 56481, Sept. 21, 2004, effective Nov. 22, 2004]

## § 1.184 [Reserved]

[Removed and reserved, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

## APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

### § 1.191 Appeal to Board of Patent Appeals and Interferences.

Appeals to the Board of Patent Appeals and Interferences under 35 U.S.C. 134(a) and (b) are conducted according to part 41 of this title.

[46 FR 29183, May 29, 1981; para. (a), 47 FR 41278, Sept. 17, 1982, effective Oct. 1, 1982; para. (d), 49 FR 555, Jan. 4, 1984, effective Apr. 1, 1984; 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; paras. (b) and (d) amended, para. (e) added, 54 FR 29553, July 13, 1989, effective Aug. 20, 1989; para. (d) revised, 58 FR 54504, Oct. 22, 1993, effective Jan. 3, 1994; paras. (a) and (b) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 65 FR 76756, Dec. 7, 2000, effective Feb. 5, 2001; para. (e) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; para. (a) revised, 68 FR 70996, Dec. 22, 2003, effective Jan. 21, 2004; revised, 69 FR 49959, Aug. 12, 2004, effective Sept. 13, 2004]

## § 1.192 [Reserved]

[36 FR 5850, Mar. 30, 1971; para. (a), 47 FR 41278, Sept. 17, 1982, effective Oct. 1, 1982; para. (a), 49 FR 556, Jan. 4, 1984, effective Apr. 1, 1984; 53 FR 23734, June 23, 1988, effective Sept. 12, 1988; para. (a), (c), and (d) revised, 58 FR 54504, Oct. 22, 1993, effective Jan. 3, 1994; paras. (a)-(c) revised, 60 FR 14488, Mar 17, 1995, effective Apr. 21, 1995; para. (a) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; removed and reserved, 69 FR 49959, Aug. 12, 2004, effective Sept. 13, 2004]

## § 1.193 [Reserved]

[24 FR 10332, Dec. 22, 1959; 34 FR 18858, Nov. 26, 1969; para. (c), 47 FR 21752, May 19, 1982, added effective July 1, 1982; para. (b), 50 FR 9382, Mar. 7, 1985, effective May 8, 1985; 53 FR 23735, June 23, 1988, effective

(c) Prior to the entry of a decision on the appeal by the Board, the Director may sua sponte order the proceeding remanded to the examiner.

[Added, 69 FR 49959, Aug. 12, 2004, effective Sept. 13, 2004]

#### § 41.37 Appeal brief.

(a)(1) Appellant must file a brief under this section within two months from the date of filing the notice of appeal under § 41.31.

(2) The brief must be accompanied by the fee set forth in § 41.20(b)(2)

(b) On failure to file the brief, accompanied by the requisite fee, within the period specified in paragraph (a) of this section, the appeal will stand dismissed.

(c)(1) The brief shall contain the following items under appropriate headings and in the order indicated in paragraphs (c)(1)(i) through (c)(1)(x) of this section, except that a brief filed by an appellant who is not represented by a registered practitioner need only substantially comply with paragraphs (c)(1)(i) through (c)(1)(iv) and (c)(1)(vii) through (c)(1)(x) of this section:

(i) *Real party in interest.* A statement identifying by name the real party in interest.

(ii) *Related appeals and interferences.* A statement identifying by application, patent, appeal or interference number all other prior and pending appeals, interferences or judicial proceedings known to appellant, the appellant's legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal. Copies of any decisions rendered by a court or the Board in any proceeding identified under this paragraph must be included in an appendix as required by paragraph (c)(1)(x) of this section.

(iii) *Status of claims.* A statement of the status of all the claims in the proceeding (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled) and an identification of those claims that are being appealed.

(iv) *Status of amendments.* A statement of the status of any amendment filed subsequent to final rejection.

(v) *Summary of claimed subject matter.* A concise explanation of the subject matter defined in

each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

(vi) *Grounds of rejection to be reviewed on appeal.* A concise statement of each ground of rejection presented for review.

(vii) *Argument.* The contentions of appellant with respect to each ground of rejection presented for review in paragraph (c)(1)(vi) of this section, and the basis therefor, with citations of the statutes, regulations, authorities, and parts of the record relied on. Any arguments or authorities not included in the brief or a reply brief filed pursuant to § 41.41 will be refused consideration by the Board, unless good cause is shown. Each ground of rejection must be treated under a separate heading. For each ground of rejection applying to two or more claims, the claims may be argued separately or as a group. When multiple claims subject to the same ground of rejection are argued as a group by appellant, the Board may select a single claim from the group of claims that are argued together to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone. Notwithstanding any other provision of this paragraph, the failure of appellant to separately argue claims which appellant has grouped together shall constitute a waiver of any argument that the Board must consider the patentability of any grouped claim separately. Any claim argued separately should be placed under a subheading identifying the claim by number. Claims argued as a group should be placed under a subheading identifying the claims by number. A statement which merely points out what a claim recites will not be considered an argument for separate patentability of the claim.

(viii) *Claims appendix.* An appendix containing a copy of the claims involved in the appeal.

(ix) *Evidence appendix.* An appendix containing copies of any evidence submitted pursuant to §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered in the record by the examiner. Reference to unentered evidence is not permitted in the brief. See § 41.33 for treatment of evidence submitted after appeal. This appendix may also include copies of the evidence relied upon by the examiner as to grounds of rejection to be reviewed on appeal.

(x) *Related proceedings appendix.* An appendix containing copies of decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of this section.

(2) A brief shall not include any new or non-admitted amendment, or any new or non-admitted affidavit or other evidence. See § 1.116 of this title for amendments, affidavits or other evidence filed after final action but before or on the same date of filing an appeal and § 41.33 for amendments, affidavits or other evidence filed after the date of filing the appeal.

(d) If a brief is filed which does not comply with all the requirements of paragraph (c) of this section, appellant will be notified of the reasons for non-compliance and given a time period within which to file an amended brief. If appellant does not file an amended brief within the set time period, or files an amended brief which does not overcome all the reasons for non-compliance stated in the notification, the appeal will stand dismissed.

(e) The time periods set forth in this section are extendable under the provisions of § 1.136 of this title for patent applications and § 1.550(c) of this title for ex parte reexamination proceedings.

[Added, 69 FR 49959, Aug. 12, 2004, effective Sept. 13, 2004]

#### § 41.39 Examiner's answer.

(a)(1) The primary examiner may, within such time as may be directed by the Director, furnish a written answer to the appeal brief including such explanation of the invention claimed and of the references relied upon and grounds of rejection as may be necessary, supplying a copy to appellant. If the primary examiner determines that the appeal does not

comply with the provisions of §§ 41.31 and 41.37 or does not relate to an appealable action, the primary examiner shall make such determination of record.

(2) An examiner's answer may include a new ground of rejection.

(b) If an examiner's answer contains a rejection designated as a new ground of rejection, appellant must within two months from the date of the examiner's answer exercise one of the following two options to avoid sua sponte dismissal of the appeal as to the claims subject to the new ground of rejection:

(1) *Reopen prosecution.* Request that prosecution be reopened before the primary examiner by filing a reply under § 1.111 of this title with or without amendment or submission of affidavits (§§ 1.130, 1.131 or 1.132 of this title) or other evidence. Any amendment or submission of affidavits or other evidence must be relevant to the new ground of rejection. A request that complies with this paragraph will be entered and the application or the patent under ex parte reexamination will be reconsidered by the examiner under the provisions of § 1.112 of this title. Any request that prosecution be reopened under this paragraph will be treated as a request to withdraw the appeal.

(2) *Maintain appeal.* Request that the appeal be maintained by filing a reply brief as set forth in § 41.41. Such a reply brief must address each new ground of rejection as set forth in § 41.37(c)(1)(vii) and should follow the other requirements of a brief as set forth in § 41.37(c). A reply brief may not be accompanied by any amendment, affidavit (§§ 1.130, 1.131 or 1.132 of this title) or other evidence. If a reply brief filed pursuant to this section is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under paragraph (b)(1) of this section.

(c) Extensions of time under § 1.136 (a) of this title for patent applications are not applicable to the time period set forth in this section. See § 1.136 (b) of this title for extensions of time to reply for patent applications and § 1.550 (c) of this title for extensions of time to reply for ex parte reexamination proceedings.

[Added, 69 FR 49959, Aug. 12, 2004, effective Sept. 13, 2004]

## **2136.05 Overcoming a Rejection Under 35 U.S.C. 102(e) [R-1] - 2100 Patentability**

### **2136.05 Overcoming a Rejection Under 35 U.S.C. 102(e) [R-1]**

#### **A 35 U.S.C. 102(e) REJECTION CAN BE OVERCOME BY ANTEDATING THE FILING DATE OR SHOWING THAT DISCLOSURE RELIED ON IS APPLICANT'S OWN WORK**

When a prior U.S. patent, \*\* U.S. patent application publication>, < or international application publication\* is not a statutory bar, a 35 U.S.C. 102(e) rejection can be overcome by antedating the filing date (see MPEP § 2136.03 regarding critical reference date of 35 U.S.C. 102(e) prior art) of the reference by submitting an affidavit or declaration under 37 CFR 1.131 or by submitting an affidavit or declaration under 37 CFR 1.132 establishing that the relevant disclosure is applicant's own work. *In re Mathews*, 408 F.2d 1393, 161 USPQ 276 (CCPA 1969). The filing date can also be antedated by applicant's earlier foreign priority application or provisional application if 35 U.S.C. 119 is met and the foreign application or provisional application "supports" (conforms to 35 U.S.C. 112, first paragraph, requirements) all the claims of the U.S. application. *In re Gosteli*, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989). But a prior application which was not copending with the application at issue cannot be used to antedate a reference. *In re Costello*, 717 F.2d 1346, 219 USPQ 389 (Fed. Cir. 1983). A terminal disclaimer also does not overcome a 35 U.S.C. 102(e) rejection. See, e.g., *In re Bartfeld*, 925 F.2d 1415, 17 USPQ2d 1885 (Fed. Cir. 1991).

See MPEP § 706.02(b) for a list of methods which can be used to overcome rejections based on 35 U.S.C. 102(e) rejections. For information on the required contents of a 37 CFR 1.131 affidavit or declaration and the situations in which such affidavits and declarations are permitted see MPEP § 715. An affidavit or declaration is not appropriate if the reference describes applicant's own work. In this case, applicant must submit an affidavit or declaration under 37 CFR 1.132. See the next paragraph for more information concerning the requirements of 37 CFR 1.132 affidavits and declarations.

## **502.03 Communications via the Internet [R-2] - 500 Receipt and Handling of Mail and Papers**

### **502.03 Communications via the Internet [R-2]**

The Office published a Patent Internet Usage Policy to

- (A) establish a policy for use of the Internet by the Patent Examining Corps and other organizations within the USPTO,
- (B) address use of the Internet to conduct interview-like communications and other forms of formal and informal communications,
- (C) publish guidelines for locating, retrieving, citing, and properly documenting scientific and technical information sources on the Internet,
- (D) inform the public how the USPTO intends to use the Internet, and
- (E) establish a flexible Internet policy framework which can be modified, enhanced, and corrected as the USPTO, the public, and customers learn to use, and subsequently integrate, new and emerging Internet technology into existing business infrastructures and everyday activities to improve the patent application, examining, and granting functions.

See *Internet Usage Policy*, 64 \*>FR< 33056 (June 21, 1999). The Articles of the Patent Internet Usage Policy pertinent to communications via electronic mail are summarized below. See MPEP § 904.02(c) for information pertinent to Internet searching, and MPEP § 707.05(e) for information pertaining to the citation of electronic documents. See also MPEP § 713.04 for recordation of e-mail interviews.

>

## II. < COMMUNICATIONS VIA THE INTERNET AND AUTHORIZATION (ARTICLE 5)

Communications via Internet e-mail are at the discretion of the applicant.

Without a written authorization by applicant in place, the USPTO will not respond via Internet e-mail to any Internet correspondence which contains information subject to the confidentiality requirement as set forth in 35 U.S.C. 122. A paper copy of such correspondence will be placed in the appropriate patent application.

The following is a sample authorization form which may be used by applicant:

"Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

A written authorization may be withdrawn by filing a signed paper clearly identifying the original authorization. The following is a sample form which may be used by applicant to withdraw the authorization:

"The authorization given on \_\_\_\_\_, to the USPTO to communicate with me via the Internet is hereby withdrawn. I understand that the withdrawal is effective when approved rather than when received."

Where a written authorization is given by the applicant, communications via Internet e-mail, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used. In such case, a printed copy of the Internet e-mail communications MUST be given a paper number, entered into the Patent Application Locating and Monitoring System (PALM) and entered in the patent application file. A reply to an Office action may NOT be communicated by applicant to the USPTO via Internet e-mail. If such a reply is submitted by applicant via Internet e-mail, a paper copy will be placed in the appropriate patent application file with an indication that the reply is NOT ENTERED. >For Image File Wrapper (IFW) processing, see IFW Manual.<

USPTO employees are NOT permitted to initiate communications with applicants via Internet e-mail unless there is a written authorization of record in the patent application by the applicant.

All reissue applications are open to public inspection under 37 CFR 1.11(a) and all papers relating to a reexamination proceeding which have been entered of record in the patent or reexamination file are open to public inspection under 37 CFR 1.11(d). USPTO employees are NOT permitted to initiate communications with applicant in a reissue application or a patentee of a reexamination proceeding via Internet e-mail unless written authorization is given by the applicant or patentee.



# CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

November 23, 1999

## **H.R. 1907**

### **American Inventors Protection Act of 1999**

*As reported by the Senate Committee on the Judiciary on November 5, 1999*

## **SUMMARY**

H.R. 1907 would reduce certain patent fees, allow the Patent and Trademark Office (PTO) to adjust trademark fees and to spend receipts from such fees only for related operations, and make a number of other changes in laws governing the issuance of patents and related procedures.

Relative to the spending CBO would expect under current law, we estimate that implementing H.R. 1907 would reduce net discretionary spending by the PTO by about \$15 million over the 2000-2004 period, assuming appropriation of the authorized amounts. Because enactment of the act would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

H.R. 1907 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would, in general, benefit state, local, or tribal governments if they hold patents and trademarks. In addition to expanding the protections and rights of patent holders, H.R. 1907 would reduce certain patent fees and authorize the adjustment of trademark fees. CBO expects that these changes would have only minimal effects on the budgets of state, local, and tribal governments.

H.R. 1907 would impose new private-sector mandates on promoters of inventions, patent and trademark applicants, and other private-sector entities. The act would require promoters of inventions to provide their clients with written disclosures, increase trademark fees, and create new patent fees. The act also would require businesses and individuals to pay additional royalties to some patent holders. CBO estimates that the total costs of the private-sector mandates in H.R. 1907 would fall below the threshold established in UMRA (\$100 million in 1996, adjusted annually for inflation).

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Sections 203 and 506 would create new private-sector mandates by increasing trademark fees and creating new patent fees. Trademark and patent fees are private-sector mandates because the federal government controls the trademark and patent systems and no reasonable alternatives to the systems exist. Section 203 would increase the fees the Patent and Trademark Office charges to trademark holders and applicants. Section 506 would authorize the PTO to charge a fee to individuals requesting early publication for their patent applications. Section 605 would allow the PTO to charge a fee to patent owners for delayed responses to PTO inquiries during reexamination proceedings. CBO estimates that the PTO would collect roughly \$40 million a year over the next five years as the result of the trademark fee increases and roughly \$20 million a year beginning in fiscal year 2001 as the result of the early publication fee. Collections from the delayed response fee would not be significant. The cost of the early publication fee would, however, be more than offset by savings from reductions in other patent fees. Section 202 would reduce fees for filing original and international applications, for reissuing a patent, and for patent maintenance, saving patent applicants approximately \$30 million a year over the next five years.

Two provisions in H.R. 1907 would require businesses and individuals to pay additional royalties to some patent holders. Section 402 would extend the terms of some patents for up to 10 years to compensate for administrative delays by the PTO. Section 504 would allow holders of new patents to file civil suits to recover damages for unauthorized use of their inventions while the applications for those inventions were under review by the PTO. These provisions would forbid the otherwise legal use of inventions covered by affected patents. CBO expects that the costs of these mandates would be small. Current law already allows patent extensions of up to five years for similar reasons and relatively few patents would be affected by the change. The right to recover damages based on use before a patent was granted would apply to only a short period of time. Under H.R. 1907, applications would be published 18 months after filing and, according to the PTO, successful applications are approved, on average, 24 months after filing. Consequently, users of affected inventions would pay less than six months of royalties on average.

## PREVIOUS CBO ESTIMATES

On November 23, 1999, CBO transmitted a cost estimate for S. 1798, the American Inventors Protection Act of 1999, as ordered reported by the Senate Committee on the Judiciary on November 2, 1999. That legislation is identical to H.R. 1907.

On July 21, 1999, CBO transmitted a cost estimate for H.R. 1907, the American Inventors Protection Act of 1999, as ordered to be reported by the House Committee on the Judiciary on May 26, 1999. That version of H.R. 1907 would not reduce patent fees or authorize the PTO to adjust trademark fees. CBO estimated that legislation would increase discretionary spending by about \$37 million over the 2000-2004 period.

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**TITLE 18 > PART I > CHAPTER 47 > § 1001****§ 1001. Statements or entries generally**

Release date: 2004-08-06

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
- (2) makes any materially false, fictitious, or fraudulent statement or representation; or
- (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title or imprisoned not more than 5 years, or both.

(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

(c) With respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to—

- (1) administrative matters, including a claim for payment, a matter related to the procurement of property or services, personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch; or
- (2) any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate.

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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/977,729
	Filing Date	6/8/00 & 6/8/01
	First Named Inventor	FRANZ A. Wakefield
	Art Unit	2174
	Examiner Name	Boris M. Pesin
Total Number of Pages in This Submission	345 +	Attorney Docket Number TAPE (EXHIBIT 1) 093174

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input checked="" type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input checked="" type="checkbox"/> CD, Number of CD(s) <u>1</u> (Tape)	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Evidentiary documents (Appendix of Record) which proves support of claimant (CFR 1.131)
Remarks: • Also Petition For extension of time (1 month) • \$55.00 Money Order • <u>Response TO FINAL</u>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	COOLTV NETWORKS.COM, INC.
Signature	FRANZ A. Wakefield
Date	6/16/05

CERTIFICATE OF TRANSMISSION/MAILING	
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Typed or printed name	# ED 581190385 US FRANZ A. Wakefield
Signature	Date 1.7.05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Application Number	09/877,729
Filing Date	6/8/00 AND 6/8/01
First Named Inventor	FRANZ A. Wakefield
Art Unit	2874
Examiner Name	Boris M. Pesin
Attorney Docket Number	083174

### ENCLOSURES (Check all that apply)

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Remarks  
Enclosed : \$5 Fee Correction Money Order & Letter

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	COOLTV Network. COM, INC.		
Signature			
Printed name	FRANZ A. WAKEFIELD		
Date	2/4/05	Reg. No.	N/A

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Typed or printed name	FRANZ A. Wakefield
Date	2/4/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**TRANSMITTAL FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission: 4

Application Number: 09/877,724

Filing Date: 6/8/05

First Named Inventor: FRANZ A. WOKOSIEK

Art Unit: 2174

Examiner Name: BORIS M. PERIN

Attorney/Agent Number: 093174

**ENCLOSURES** (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawings	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input checked="" type="checkbox"/> Affidavit/Declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation/Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CO, Number of CO(s)	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CO	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.63		

Attached hereto: Affidavit of Mr. Stephen A. WOKOSIEK (PRIOR DATE) it CONTAINS THE NOTARY SEAL FOR IDENTIFICATION PURPOSES.

=> APP2 & RECI (PRIOR DATE)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name: COULT NETWORKS, INC.

Signature: [Signature]

Printed name: FRANZ A. WOKOSIEK

Date: 2/24/05

Reg. No.: N/A

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature: [Signature] (With SCANNING GROUP)

Date: 2/23/05

Typed or printed name: FRANZ A. WOKOSIEK

This collection of information is required by 37 CFR 1.5. This information is required to obtain or retain a benefit by the public which is to be paid by the USPTO to the applicant. Confidentiality is governed by 35 U.S.C. 122 and 37 C.F.R. 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Fees will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MAR-22-2005 04:07P FROM:

TO: 17838729306

P: 1

PTO/SB21 (09-04)  
Approved for use through 07/01/2008. OMD 0651-0001  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Patent and Trademark Act of 1980, no person is required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing) Total Number of Pages in This Submission: 8	Application Number	09/894,929
	Filing Date	6/8/00 & 6/8/01
	First Named Inventor	FRANZ A. Wakefield
	Art Unit	2174
	Examiner Name	Boris M. Pesin
Attorney Docket Number	83154	

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CENTRAL FAX CENTER  
MAR 22 2005

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavit/Declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	(APP9 & REC1)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	reference 3/22/05
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	mail to examiner
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	(INFORMATIONAL REFERENCE ONLY) This is a duplicate transmission of (APP9 & REC1) that is utilized in the Affidavit of the Affidavit filed & certified on 1/9/05. Reference mail 3/22/05 sent to Kristine Kunkel re: Boris Pesin. Thank you

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	COOLTVNetwork.COM™, Inc.	
Signature	FRANZ A. Wakefield	
Printed name	FRANZ A. Wakefield	
Date	3/22/05	Reg. No. N/A Pat. Se.

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Signature	FRANZ A. Wakefield
Typed or printed name	FRANZ A. Wakefield
Date	3/22/05

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to the (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES ON COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0199 and select option 2.

PAGE 16 \* RCVD AT 3/22/05 4:07:37 PM [Eastern Standard Time] \* SVR:USPTO-EFTRF-17 \* DMS:3728305 \* CSID: \* DURATION (min-sec):02-04

PAGE 4

## EMAIL LOG

**COPY**

Mr. Golinkoff,

I need the following for our phone interview:

1. Can an advantages section be added to the specification, which talks about the markets for the software, without being classified as new matter.
2. Because I am Pro Se, I need you to write claim 8 and 9 for me so that they are acceptable to The USPTO. It will provide an acceptable example for me for exactly what is needed to traverse those particular objections/rejections.
3. How much evidence is needed to prove conception of invention and diligence under CFR 1.131, CFR 1.132, and MPEP 2136.05. My conception date is in 1996.
4. When it is proved that the date of invention of my invention is behind the effective date of the Horowitz patent (May 1998) by providing declaration, is it safe to assume that the other patents being consolidated along with the Horowitz patent also will have no validity as prior art and thus, traverse all the 102 (e) and 103 (a) rejections as stated in the Office Action.

Thank-You

Franz A. Wakefield  
FranzWakefield@hotmail.com  
Phone: 305.624.3282

---

>From: "Golinkoff, Jordan" <Jordan.Golinkoff@USPTO.GOV>

>To: <franzwakefield@hotmail.com>

>Subject: telephone interview

>Date: Wed, 14 Apr 2004 10:54:32 -0400

>

>Dear Mr. Wakefield,

> I just spoke with my supervisor and I wanted to let you know that we can schedule a telephone interview for Monday afternoon so as to discuss your case at the earliest possible time. Please send me an outline of the topics you would like to discuss in this interview. However, we can only discuss questions regarding the rejection of the claims. We will also try to provide suggestions about how best to overcome the prior art cited if at all possible. Any other questions concerning the format of the amendment should be addressed to the 800 number help line that my supervisor gave you.

>

>Sincerely,

>Jordan Golinkoff

>U.S. Patent and Trademark Office


>(703) 305-8771

**A**



# COPY

From : Golinkoff, Jordan <Jordan.Golinkoff@USPTO.GOV>  
Sent : Monday, April 19, 2004 3:40 PM  
To : <franzwakefield@hotmail.com>  
Subject : RE: Per Our Phone Interview

 Inbox

Mr. Wakefield,

See my comments below as per what we discussed in the telephone interview. I will revise claim 8 directly to avoid any confusion. Claim 9 looks good to me. Claim 8 is different to reflect the original claim 8.

Claim 8:

8. An apparatus as recited in claim 1, further comprising a means for accessing and activating digital media when said hot spot is activated.

I hope this helps,  
Jordan Golinkoff

**B**

# COPY

-----Original Message-----

From: franzwakefield@hotmail.com [mailto:franzwakefield@hotmail.com]

Sent: Monday, April 19, 2004 3:35 PM

To: Golinkoff, Jordan

Subject: Per Our Phone Interview

April 19, 2004

Mr. Golinkoff,

Thank-you for your input on today's phone interview. As a follow-up to our interview, I have re-written claim 8 and 9 based on our conversation I would like you to double-check the claims based on our discussion. Please advise if these are acceptable:

8. An apparatus as recited in claim 1, further comprising a means for accessing and activating digital media when said hot spot is activated and a means for communicating with a web site user with a digital media file having at least one said hot spot. (I am assuming this is a dependent claim?)

9. An apparatus as recited in claim 1, wherein said predetermined functions comprises: A means for communicating with a web site user with a digital media file having at least one said hot spot. (I am assuming this is a dependent claim?)

Please confirm, if these are acceptably written, and categorized; As to lessen the probability of error.

Thank-You In Advance

Franz A. Wakefield  
COOLTVNETWORK.COM, Inc.  
17731 North West 14th Court  
Miami, Florida 33169  
Tel: 305.624.3282  
FranzWakefield@hotmail.com

---

FREE pop-up blocking with the new MSN Toolbar - get it now!  
<http://toolbar.msn.com/go/onm00200415ave/direct/01/>

**COPY**

Kristine.Kincaid@uspto.gov  
Boris.Pesin@uspto.gov  
09/877729  
October 15, 2004

USPTO

Kristine if there was such a detailed review and examination of the 4/29/04 package why wasn't the drawings in that package commented on, even though the 1st office action specifically mentions that the drawings need to be re-done.

If you are aware, only the drawings received on 8/05/04 were accepted and not the drawings 1A - 1C filed in the 4/29/04 package.

PLEASE, READ THE TRANSMITTAL FORMS FOR MY INTENTIONS ON THE CONTENT.

FRANZ A. WAKEFIELD  
PRESIDENT & CHIEF PRODUCT DESIGN ENGINEER  
COOLTVNETWORK.COM, INC.  
17731 NORTH WEST 14TH COURT  
MIAMI, FLORIDA 33169  
TELEPHONE: 305 + 624.3282  
FRANZWAKEFIELD@HOTMAIL.COM

**COPY**

From : Pesin, Boris <Boris.Pesin@USPTO.GOV>  
Sent : Friday, October 15, 2004 1:17 PM  
To : "Franz Wakefield" <franzwakefield@hotmail.com>,  
"Kincaid, Kristine" <Kristine.Kincaid@USPTO.GOV>  
Subject : RE: 09/977729

 |  |  Junk E-Mail | Inbox

Mr. Wakefield,

The drawings you submitted 4/26/2004 and 08/05/2004 were both allowed. I only referenced the drawings dated 08/05/2004 because they were the last ones in the series of updated drawings.

Regards,  
Boris Pesin

-----Original Message-----

From: Franz Wakefield [mailto:franzwakefield@hotmail.com]  
Sent: Friday, October 15, 2004 12:39 AM  
To: Kincaid, Kristine  
Cc: Pesin, Boris  
Subject: 09/977729

October 15, 2004

USPTO

Kristine if there was such a detailed review and examination of the 4/29/04 package why wasn't the drawings in that package commented on, even though the 1<sup>st</sup> office action specifically mentions that the drawings need to be re-done.

If you are aware, only the drawings received on 8/05/04 were accepted and not the drawings 1A - 1C filed in the 4/29/04 package.

PLEASE, READ THE TRANSMITTAL FORMS FOR MY INTENTIONS ON THE CONTENT.

FRANZ A. WAKEFIELD  
PRESIDENT & CHIEF PRODUCT DESIGN ENGINEER  
COOLTVNETWORK.COM, INC.  
17731 NORTH WEST 14TH COURT  
MIAMI, FLORIDA 33169  
TELEPHONE: 305 + 624.3282  
FRANZWAKEFIELD@HOTMAIL.COM

---

Check out Election 2004 for up-to-date election news, plus voter

E

# **EMAIL LOG**

Kristine.Kincaid@Uspto.gov

Boris.Pesin@Uspto.gov

FranzWakefield@hotmail.com  
09/877729

**COPY**

March 22, 2005

USPTO

Dear Mr. Pesin and Mrs. Kincaid,

After having the time to review the submission that was uploaded to the website. I am very upset at the fact that the evidence referenced in the Affidavit and appendix have been severed. In addition to my previous mailing I have found that the Record with the designation "APP9 & Rec1 Reduction to Practice Presentation" has been also lost or omitted from the scanning and website record. It is clearly labeled in the Appendix and was sent to the USPTO in the same transmission on 1/7/05 via Express Mail. Please utilize the transmission that was sent to the USPTO on 4/20/04 for this record, which includes Amendment A. The record "APP9 & Rec1 Reduction to Practice Presentation" is the presentation within this filing with the title "Franz A. Wakefield, DOW, & The University of Florida's Chemical Engineering Dated: April 30, 1996" This record is 7 pages long. This is directly referenced in the Appendix and was sent to the USPTO in the 1/7/05 filing. I can not understand why these documents along with the Journal entries previously referenced in a prior email or ANY other documents would be severed or omitted from the website and the document record for this Affidavit mailed and certified on 1/7/05. As such under CFR 1.131, I hope that this is sufficient explanation for the documents not being apart of the documents on the website, which was apart of the 1/7/05 filing. I declare under penalty of perjury and 18 U.S.C. 1001 that the documents referenced in the Appendix of the transmission dated 1/7/05 was apart of the original mailing sent to the USPTO on 1/7/05. Please speak to the Scanning Group or OIPE who is in charge of checking the documents in, to ensure that there is not a flaw in the registering of documents. Please let me know your thoughts and findings on this matter.  
Thank-You In Advance,

Franz A. Wakefield  
President & Chief Product Design Engineer  
COOLTVNetwork.com, Inc.  
INTERNET AUDIO-VIDEO ENTERTAINMENT  
17731 North West 14th Court  
Miami, Florida 33169  
Tele: (305)+624.3282  
FranzWakefield@hotmail.com

---

**To: Gloria.Newson@USPTO.gov**

**RE: 09877729 - App7 & REC1 (3 pages) and App9 & REC1 (7 pages)**

**March 25, 2005**

**Eastern 2:46 P.M.**

**COPY**

**Gloria.Thank-You for the expediency and efficiency on this matter that is so important to the growth and stability of my company.**

**Have a Great Weekend, Sincerely  
Franz A. Wakefield  
President & Chief Product Design Engineer  
COOLTVNetwork.com, Inc.  
Internet Audio-Video Entertainment  
17731 North West 14th Court  
Miami, Florida 33169  
Tele: (305) + 624.3282  
FranzWakefield@hotmail.com**

---

**>From: "Newson, Gloria" <Gloria.Newson@USPTO.GOV>**

**>To: <franzwakefield@hotmail.com>**

**>CC: "Pesin, Boris" <Boris.Pesin@USPTO.GOV>**

**>Subject: 09877729 - App7 & REC1 (3 pages) and App9 & REC1 (7 pages)**

**>Date: Fri, 25 Mar 2005 13:54:53 -0500**

**>**

**>Good Afternoon Mr. Wakefield-**

**>**

**>I have the artifact folder in my possession and I just wanted to confirm that the above documents that we discussed are in the folder. As I stated, because the documents are in color they could not be scanned and were placed in an artifact folder. I also noticed that your cover the sheets have white labels that are rather smooth and shiny. This would also hinder the proper feeding of the documents through the automatic scanner. If your documents do not meet specific requirements for scanning an artifact folder is created to and they documents are stored in a filing area specifically for the Examiners to access for review. This is the reason that you did not see the documents on-line.**

**>**

**>I will be returning the folder to the Examiner's area as soon as possible.**

**>Have a great weekend!**







**>**

**>Gloria Newson**

**>OIPE-Scanning**

**>ST-6B01**

From : Kincaid, Kristine <Kristine.Kincaid@USPTO.GOV>  
Sent : Friday, April 22, 2005 8:26 AM  
To : "Franz Wakefield" <franzwakefield@hotmail.com>  
Subject : RE: 09/877,729

 Inb  
 |  |  |  |  OX

**COPY**

Franz, Please call Pinchus Laufer and he will explain why an advisory action was done.

Kristine

-----Original Message-----

From: Franz Wakefield [<mailto:franzwakefield@hotmail.com>]  
Sent: Friday, April 22, 2005 8:22 AM  
To: Kincaid, Kristine  
Cc: [FranzWakefield@hotmail.com](mailto:FranzWakefield@hotmail.com)  
Subject: 09/877,729

April 22, 2005  
7:10 A.M. Eastern

-Kristine, I have reviewed the website and am confused and upset at the decision rendered by the examiner. He states that the affidavit will not be entered because I "failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented" 37 CFR 1.116(e).

Kristine, I made a bona fide attempt to fulfill the requirements of CFR 1.131 based on our initial phone interview on 4/19/04 with Jordan Golinkoff; I went to the law library and visited the Uspto site for all relevant information on entries under CFR 1.131

which states:

" (b) The showing of facts shall be such, in character and weight, as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application. Original exhibits of drawings or records, or photocopies thereof, must accompany and form part of the affidavit or declaration or their absence must be satisfactorily explained."

I thought that the evidence presented on 4/23/04 was sufficient, and the structure and format of the affidavit O.K., because the body of affidavits based on my legal research is open but what is binding is the fact that it is a sworn oath. Also from my research the structure was O.K. because the evidence was attached and the statement "Attached are the evidentiary materials that support this declaration," was included in the affidavit. Including direct references into the body of the affidavit is also viable (such as

**COPY**

"SEE Exhibit A"...etc), but that form is more on the lines of Legal Briefs. That is why the format and structure of the submission on 4/23/04 was sent to the Uspto in such a manner. Also from our 4/19/04 phone interview I specifically asked " 3. How much evidence is needed to prove conception of invention and diligence under CFR 1.131, CFR 1.132 and MPEP 2136.05 to traverse the rejections of the claims..." (as per my 5/10/04 Interview Summary submitted to the Uspto). If you recall you just said "You have to prove it to us." Remember the reason and tone of the interview was basically to help me as a Pro Se applicant prove that this was my invention while meeting the guidelines of The Uspto; under such a short and abrupt revocation of The Power of Attorney of the previous attorney because of the work transmitted to the Uspto (i.e. the drawings etc./of which a complaint was filed with The Florida Bar). I researched the facts and submitted a bona fide attempt to meet the requirements of CFR 1.131. Notwithstanding, the examiner rejected the Affidavit and the evidence that accompanied the Affidavit. He also suggested in an email dated 10/13/04 at 2:20 PM that:

"For any questions regarding the format of the affidavit please contact Pinchus Laufer at (703) 306-4160. He is a specialist in affidavit practice and can further assist you in the prosecution of your case." I then not only spoke to the examiner about how to reply to the Final Action (who touched on the fact that basically I needed more evidence); but I also spoke to Mr. Laufer who told me to put the claims in the affidavit, pull the cases, add specific references from exhibits & pull exact pages and attach to body of affidavit...etc. I then in my 1/7/05 filing filed an Affidavit that complied with the examiner, Mr. Laufer, our first phone interview on 4/19/04, CFR 1.131, and complied with the requirements and objections as to form. I do not understand how the examiner can now say that the Affidavit or other evidence filed will not be entered because I failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. Kristine, under The United States Constitution, Article I Section 8 which states "to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive rights to their respective writings and discoveries;" my bona fide attempt to satisfy the requirements of your staff and the rules of The Uspto both in format and content, and Mr. Dudas's recent announcement that patents will soon be examined by 3 examiners for allowance, I ask you to please review my submission based on my unique situation.

Thank You In Advance,  
Franz Antonio Wakefield  
President & Chief Product Design Engineer (PCDE)  
COOLTVNetwork.com, Inc.  
Internet Audio-Video Entertainment  
17731 North West 14th Court  
Miami, Florida 33169  
Tele: (305) + 624.3282  
[FranzWakefield@hotmail.com](mailto:FranzWakefield@hotmail.com)

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<http://messenger.msn.click-url.com/go/onm0020047lave/direct/01/>



From : Franz Wakefield <franzwakefield@hotmail.com>  
Sent : Monday, April 25, 2005 10:52 AM  
To : Boris.Pesin@Uspto.gov  
CC : Kristine.Kincaid@Uspto.gov  
Subject : 09/877729

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ox

**COPY**

April 25, 2005

10:36 A.M. Eastern

USPTO

Dear Mr. Pesin,

I have received your email regarding the reason for the advisory action. You state the rule 1.116(e) as the reason for the advisory action and not a notice of allowance: But the advisory action states at the top of the page:

"THE REPLY FILED 1/07/2005 FAILS TO PLACE THIS APPLICATION IN  
CONDITION FOR  
ALLOWANCE."

This statement makes the conclusion that you did review the affidavit and evidence but it still was insufficient to place the application in condition for allowance.

As such can you please give me the reason(s) why the Affidavit did not place the application in a condition for allowance? I need your reasoning so that I can have an appropriate reply in a petition under 1.137, if I decide to pursue this further.

I spoke to an older examiner in Invention Assistance (Mr. Joe Narcavage), who stated that just a reason of 1.116(e) is insufficient reason in an advisory action to use to say that the Affidavit and the evidence that accompany and form part of the Affidavit, was not sufficient for placing the application in an allowable condition.

Thank-You,

Franz A. Wakefield  
(305) + 624.3282  
[FranzWakefield@hotmail.com](mailto:FranzWakefield@hotmail.com)

---

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---

From : Franz Wakefield <franzwakefield@hotmail.com>  
Sent : Monday, April 25, 2005 3:44 PM  
To : Boris.Pesin@Uspto.gov  
CC : Kristine.Kincaid@Uspto.gov  
Subject : 09/877729

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OX

**COPY**

3:43 P.M. on 4/25/05

Mr. Pesin, PLEASE RESPOND TO THE EMAIL VIA EMAIL that was sent earlier (see below). Pursuant to our conversation I was instructed to get a response from you regarding whether the 1/7/05 Affidavit was reviewed and whether or not it would place the application in an allowable condition. This is specifically necessary for REPLY in any further PETITION. Also please review 37 CFR 1.116

(B) (1) which states:

"An amendment may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office Action;"

Because the 1/7/05 Affidavit is a response to and complying with the requirements and objections as set forth in the communications below:

1. 4/19/04 Telephonic Interview
2. 4/23/04 37 CFR 1.131 submission
3. 5/10/04 Interview Summary
4. The Final Action 10/06/04
5. The 2+ hour phone interview with you.
6. The requirements set forth in a phone conversation with Mr. Laufer regarding the Final Action
7. The email communication with Kristine as to the finality of the Final Action.

The Affidavit and the evidence that forms apart of and is attached to the timely 1/7/05 Affidavit should have been examined and entered.

Thank-You

Franz A. Wakefield  
(305) + 6243282  
FranzWakefield@hotmail.com

---

>-----Original Message-----

>From: Franz Wakefield [mailto:franzwakefield@hotmail.com]

>Sent: Monday, March 28, 2005 10:16 AM

>To: Kincaid, Kristine

>Subject: RE: 09/877729

>

>

>Kristine,

>

>I am not sure exactly what you mean? The documents are responsive to the  
>October Final Action. Are you referring to the checked boxes on the transmittal  
>form? I spoke to the Invention Assistance Center, and they said that I had 3  
>months from the Final Action to respond and could purchase an additional 3  
>months worth of time. Please clarify.

>

>Franz A. Wakefield

>

>

>>From: "Kincaid, Kristine" <Kristine.Kincaid@USPTO.GOV>

>>To: "Franz Wakefield" <franzwakefield@hotmail.com>

>>Subject: RE: 09/877729

>>Date: Mon, 28 Mar 2005 07:20:41 -0500

>>

>>My concern is that you didn't send this in as an after final response. I  
>>need to look into that with our specialists.

>>

>>-----Original Message-----

>>From: Franz Wakefield [mailto:franzwakefield@hotmail.com]

>>Sent: Thursday, March 24, 2005 1:11 PM

>>To: Kincaid, Kristine

>>Subject: RE: 09/877729

>>

>>

>>Thank You Kristine, I just want to make sure that I am in compliance with  
>>the rules for Affidavit practice at The USPTO (CFR1.131), so that I can receive  
>>an allowance as we discussed in our April telephonic interview.

>>

**COPY**

**COPY**

>From: "Kincaid, Kristine" <Kristine.Kincaid@USPTO.GOV>  
>To: "Franz Wakefield" <franzwakefield@hotmail.com>  
>Subject: RE: 09877729 - App7 & REC1 (3 pages) and App9 & REC1 (7 pages)  
>Date: Tue, 29 Mar 2005 12:26:09 -0500  
>  
>It was not put into our system as an after final but I will have that corrected based  
>on the transmittal letter you discussed in your voice mail message.  
>

-----  
>-----Original Message-----

>From: Franz Wakefield [mailto:franzwakefield@hotmail.com]  
>Sent: Monday, March 28, 2005 10:35 AM  
>To: Kincaid, Kristine  
>Subject: RE: 09877729 - App7 & REC1 (3 pages) and App9 & REC1 (7 pages)  
>  
>  
>

>Kristine, FYI, I hope this helps. I for informational purposes sent a copy  
>of one of the records via fax but as stated below the records were in the artifact  
>folders.  
>

>-Franz  
>-----

>  
>To: Gloria.Newson@USPTO.gov  
>  
>RE: 09877729 - App7 & REC1 (3 pages) and App9 & REC1 (7 pages)  
>

>March 25, 2005  
>

>Eastern 2:46 P.M.  
>

>Gloria.Thank-You for the expediency and efficiency on this matter that is so  
>important to the growth and stability of my company.  
>

>Have a Great Weekend, Sincerely  
>Franz A. Wakefield  
>President & Chief Product Design Engineer  
>COOLTVNetwork.com, Inc.  
>Internet Audio-Video Entertainment  
>17731 North West 14th Court  
>Miami, Florida 33169  
>Tele: (305) + 624.3282  
>FranzWakefield@hotmail.com  
>-----

>>From: "Newson, Gloria" <Gloria.Newson@USPTO.GOV>  
>>To: <franzwakefield@hotmail.com>  
>>CC: "Pesin, Boris" <Boris.Pesin@USPTO.GOV>  
>>Subject: 09877729 - App7 & REC1 (3 pages) and App9 & REC1 (7 pages)  
>>Date: Fri, 25 Mar 2005 13:54:53 -0500

**COPY**

>>

>>Good Afternoon Mr. Wakefield-

>>

>>I have the artifact folder in my possession and I just wanted to confirm  
>>that the above documents that we discussed are in the folder. As I stated,  
>>because the documents are in color they could not be scanned and were  
>>placed in an artifact folder. I also noticed that your cover the sheets  
>>have white labels that are rather smooth and shiny. This would also hinder  
>>the proper feeding of the documents through the automatic scanner.

>>

>>If your documents do not meet specific requirements for scanning an  
>>artifact folder is created to and they documents are stored in a filing  
>>area specifically for the Examiners to access for review. This is the  
>>reason that you did not see the documents on-line.

>>

>>I will be returning the folder to the Examiner's area as soon as possible.

>>

>>

>>Have a great weekend!

>>

>>Gloria Newson

>>OIPE-Scanning

>>ST-6B01

>>

>>

>

>

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><http://search.msn.click-url.com/go/onm00200636ave/direct/01/>

>

**In The United States Patent and Trademark Office**

Appn. Serial Number: 09/877,729

Appn. Filed: 2001 Jun. 8

Prov. Filed: 2000 Jun. 8

Prov. Serial Number: 60/210,300

Applicant: Franz A. Wakefield

Title: Method And System For Creating, Using And Modifying  
Multifunctional Website Hotspots

Examiner/GAU: Jordan S. Golinkoff/2174

PTO Supervisor: Kristine Kincaid

**COPY**

Miami, 2004 May 07 Fri

**INTERVIEW SUMMARY**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir & Madame:

In response to the Interview on 2004 April 19, and the Interview Summary received by

The Applicant on 2004 May 07, please see the Substance of Interview below:

Date of Interview: 19 April 2004.

Type: Telephonic

Exhibit Shown: No

**COPY**

Definite Claims discussed: 8 and 9.

Identification of prior art discussed: N/A.

Agreement with respect to the claims: Was reached.

**Substance of Interview:** I Applicant, The Examiner, and The PTO Supervisor discussed what would be necessary to place the patent application in an allowable condition and what it would take to stay in compliance with full-disclosure of the invention in its' truest form. We discussed the following:

1. Whether an advantages section can be added to the specification section, which talks about the markets for the software, without being classified as new matter.
2. How to re-write claim 8 and 9 as to make them acceptable in accordance with the detailed office action.
3. How much evidence is needed to prove conception of invention and diligence under CFR 1.131, CFR 1.132 and MPEP § 2136.05 to traverse rejections of claims 1 -7 and 10 – 20 under the rejections/objections (102(e) and 103(a)) as stated in The Detailed Office Action.

---

Mr. Franz A. Wakefield, Inventor  
COOLTVNETWORK.COM™, INC.  
17731 NW 14<sup>th</sup> Court  
Miami, Florida 33169  
Tel: 305 + 624.3282  
FranzWakefield@hotmail.com

**Attached: Amendment A, and Inventor Declaration (Pursuant to CFR 1.131)**

<b>Interview Summary</b>	Application No.	Applicant(s)	
	09/877,729	WAKEFIELD, FRANZ	
	Examiner	Art Unit	
	Boris Pesin	2174	

All participants (applicant, applicant's representative, PTO personnel):

(1) Boris Pesin. (3) \_\_\_\_\_

(2) Franz Wakefield. (4) \_\_\_\_\_

Date of Interview: 06 October 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: \_\_\_\_\_.

Identification of prior art discussed: Horowitz (US 6122647).

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required



## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The Applicant inquired whether the Examiner could send out a copy of the final Office action via Email. The Examiner informed the Applicant that he would send out the action via Email as soon as possible. The Applicant proceeded to inquire about the status of the action and to why it was rejected. The Examiner explained at great length (2+ hours) why he did not admit the Affidavit. The Examiner pointed out that the main problem with the Applicant's affidavit was that there was no specific factual evidence needed to prove the date of conception. The Applicant informed the Examiner that he would attempt to reach his former manager at Dow Chemical whom would attest to speaking with the Applicant about the invention right around the date of conception. The Examiner conceded that this would be good evidence and would help to prove the date of conception. However, the Examiner informed the Applicant that the Examiner would first have to personally see the manager's statement and any other evidence that the Applicant submits in order to determine whether or not the Applicant has met his burden in proving the date of conception, and that such a determination could not be simply made over the telephone. After the discussion about the date of conception, the Examiner explained that the Applicant did not meet the diligence requirement. The Examiner explained that diligence must be shown from the time period right before the Horowitz filing date to the reduction to practice date, and any gaps in diligence must be sufficiently explained. Finally the Examiner explained that the Applicant has not adequately proved the actual reduction to practice date. The Examiner also pointed out that several important passages regarding affidavit practice were attached with the Office action in order to aid the Applicant in the prosecution of this case .



UNITED STATES PATENT AND TRADEMARK OFFICE

**COPY**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,729	06/08/2001	Franz Wakefield	4551.002	8957
7590 10/06/2004				
COOLTV NETWORK.COM, INC.				
17731 Northwest 14th Court				
Miami, FL 33169				
EXAMINER				
PESIN, BORIS M				
ART UNIT		PAPER NUMBER		
2174				

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/877,729

Applicant(s)

WAKEFIELD, FRANZ

Examiner

Boris Pesin

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

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## Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

**COPY**

***Response to Amendment***

This communication is responsive to an amendment filed 06/21/2004.

Claims 1-20 are pending in this application. Claims 1 and 20 are independent claims. In the amendment filed 06/21/2004, claims 8 and 9 were amended. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5, 6, 8, 11-15, 19, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Horowitz et al. ("Horowitz," US006122647A).

As per independent claim 1, Horowitz teaches a multifunctional hot spot apparatus comprising a set of processed or readable instructions storable on a retaining medium (column 5, lines 25-33); at least one hot spot defined by any communication with said instructions, and having a means for performing at least one of a plurality of predetermined functions, to said hot spots being accessible from a globally accessible

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**COPY**

network (column 7, lines 27-32); means, defined by said instructions, for selecting and activating at least one of said predetermined functions (column 7, lines 27-32).

As per claim 2, which is dependent on claim 1, Horowitz teaches a means for identifying said hot spots (column 7, lines 19-22).

As per claim 5, which is dependent on claim 1, Horowitz teaches a means for linking to at least one predetermine URL address when said hot spot is activated (column 6, lines 21-27).

As per claim 6, which is dependent on claim 1, Horowitz teaches a means for storing and retrieving digital media, said digital media having at least one said hot spot defined therein (column 6, lines 12-18).

As per claim 8, which is dependent on claim 1, Horowitz teaches a means for accessing and activating digital media when said hot spot is activated (column 6, lines 12-18).

As per claim 11, which is dependent on claim 1, Horowitz teaches that hot spots reside on and are accessible from a digital video file (column 6, lines 12-18 and column 6, lines 35-41).

As per claim 12, which is dependent on claim 1, Horowitz teaches that hot spot resides in and is accessible from an audio digital file (column 6, lines 12-18 and column 6, lines 35-41).

As per claim 13, which is dependent on claim 1, Horowitz teaches that hot spot resides in and is accessible from a digital media file (column 6, lines 12-18 and column 6, lines 35-41).

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As per claim 14, which is dependent on claim 1, Horowitz teaches that the means for selecting and activating comprises: a menu of identifiers in communication with said functions for identifying and providing access to said functions (column 7, lines 49-53); said identifiers each corresponding to and being in communication with at least one of said predetermined functions, said identifiers having a means for activating a function when a corresponding identifier is activated (column 7, lines 44-53).

As per claim 15, which is dependent on claim 1, Horowitz teaches at least one globally accessible address that is accessible through a globally accessible network when said corresponding identifier is selected (column 6, lines 21-27).

As per claim 19, which is dependent on claim 1, Horowitz teaches a means for adding at least one additional function to a predetermined hot spot (column 7, lines 40-44).

As per independent claim 20, Horowitz teaches a software apparatus for use on a globally accessible website, comprising:

A set of processed readable instructions stored on a tangible medium for creating and controlling at least one pre-identified hot spot, said hot spot having a plurality of predetermined functions (column 7, lines 27-32); said functions dictating the action taken by said hot spots when activated, said functions having means for accessing predetermined locations that are accessible from a globally accessible network (column 6, lines 21-27); means for selecting and activating at least one function from said plurality of functions based on predetermined parameters, at least one of said predetermined parameters comprising a user originated input that selects and activates

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Art Unit: 2174

at least one function from said plurality of functions when said hot spot is activated  
(column 7, lines 44-53).

**COPY**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horowitz et al. ("Horowitz," US006122647A) in further view of Hunt et al. ("Hunt," US005893091A).

As per claim 3, which is dependent on claim 1, the teachings of Horowitz in regards to claim 1 have been discussed above. Horowitz does not disclose a means for identifying items available on a website for purchase.

Hunt teaches a means for identifying items available on a website for purchase (column 6, lines 31-38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Horowitz with a means to identify items available for purchase on a website, as taught by Hunt, with the motivation to alert the user to a sale item and to allow the user to find out more about a product (column 6, lines 37-38).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horowitz et al. ("Horowitz," US006122647A) in further view of Ausubel (US006021398A).

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As per claim 4, which is dependent on claim 1, the teachings of Horowitz in regards to claim 1 have been discussed above. Horowitz does not disclose a means for conducting an auction and receiving bids for the purchase of identified items.

Ausubel teaches a means for conducting an auction and receiving bids for the purchase of identified items (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Horowitz to include a means to conduct an auction and receive bids, as taught by Ausubel, with the motivation to allow users to engage in auction activity more efficiently (column 5, lines 26-30).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horowitz et al. ("Horowitz," US006122647A) in further view of Dekelbaum et al. ("Dekelbaum," US005838682A).

As per claim 7, which is dependent on claim 1, the teachings of Horowitz in regards to claim 1 have been discussed above. Horowitz does not disclose a means for calling a predetermined phone number when said hot spot is activated.

Dekelbaum teaches a means for calling a predetermined phone number when said hot spot is activated (column 12, lines 1-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Horowitz with a means to call a phone number when a hotspot (*i.e. hyperlink*) is activated, as taught by Dekelbaum, with the motivation to automatically initiate connectivity with an individual over a telephone network in order to receive help from or communicate with other parties (column 5, lines 10-14).

---

Claims 9, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horowitz et al. ("Horowitz," US006122647A) in further view of Efrat et al. ("Efrat,"US006570587B1).

As per claim 9, which is dependent on claim 1, the teachings of Horowitz in regards to claim 1 have been discussed above. Horowitz does not disclose a means for communicating a website to a user with a digital media file having at least one said hot spot.

Efrat teaches a means for communicating a website to a user with a digital media file having at least one said hot spot (column 5, lines 25-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Horowitz with a means to communicate a website to a user, as taught by Efrat, with the motivation to allow users to activate hotspots that communicate websites in digital media (column 2, lines 15-18).

As per claim 16, which is dependent on claim 1, the teachings of Horowitz in regards to claim 1 have been discussed above. Horowitz does not disclose at least one predetermined parameter that activates a corresponding function from said plurality of functions when said parameter is satisfied.

Efrat teaches that at least one predetermined parameter that activates a corresponding function from said plurality of functions when said parameter is satisfied (column 27, lines 12-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Horowitz with a means to activate a plurality of functions when a parameter is met, as taught by Efrat, with the

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motivation to allow the application to initiate certain actions without user input (column 26, lines 12-14).

As per claim 17, which is dependent on claim 16, Efrat teaches that at least one predetermined parameter comprises the reaching of a predetermined segment of a digital media file (column 27, lines 33-45).

As per claim 18, which is dependent on claim 17, Efrat teaches a means for overwriting said parameter when a user selects at least one of said plurality of predetermined functions (column 26, lines 12-15, *user can activate hotspots prior to a programmatic actuation and thereby effectively overwrite the programmatic action by preventing it from ever occurring*).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horowitz et al. ("Horowitz," US006122647A) in further view of Krasle (US006029135A).

As per claim 10, which is dependent on claim 1, the teachings of Horowitz in regards to claim 1 have been discussed above. Horowitz does not disclose a voice recognition means for activating at least one of said predetermined functions based on the sound of the user's voice.

Krasle teaches a voice recognition means for activating at least one of said predetermined functions based on the sound of the user's voice (column 2, lines 27-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Horowitz with a means to activate a function based on a user's voice, as taught by Krasle, with the motivation to allow a user to engage in hands-free navigation of a linked document (columns 1-2, lines 66-2).

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**Response to Amendment**

The affidavit filed on 5/10/2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the Horowitz et al. (US 6122647) reference.

**Conception**1. The MPEP 715.07 (3<sup>rd</sup> Paragraph)

The affidavit or declaration must state FACTS and produce such documentary evidence and exhibits in support thereof as are available to show conception and completion of invention in this country or in a NAFTA or WTO member country (MPEP § 715.07(c)), at least the conception being at a date prior to the effective date of the reference. Where there has not been reduction to practice prior to the date of the reference, the applicant or patent owner must also show diligence in the completion of his or her invention from a time just prior to the date of the reference continuously up to the date of an actual reduction to practice or up to the date of filing his or her application (filing constitutes a constructive reduction to practice, 37 CFR 1.131). As discussed above, 37 CFR 1.131(b) provides three ways in which an applicant can establish prior invention of the claimed subject matter. The showing of facts must be sufficient to show:

(A) reduction to practice of the invention prior to the effective date of the reference; or

(B) conception of the invention prior to the effective date of the reference coupled with due diligence from prior to the reference date to a subsequent (actual) reduction to practice; or

(C) conception of the invention prior to the effective date of the reference coupled with due diligence from prior to the reference date to the filing date of the application (constructive reduction to practice).

2. The evidence submitted is insufficient to establish a conception of the invention

prior to the effective date of the Horowitz et al. reference. While conception is the

mental part of the inventive act, it must be capable of proof, such as by demonstrative

evidence or by a complete disclosure to another. Conception is more than a vague idea

of how to solve a problem. The requisite means themselves and their interaction must

also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417

(D.C. Cir. 1897).

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3. It appears to the Examiner that the Applicant is trying to establish either (B) or (C) from the above-cited paragraph. However, the applicant does not provide any factual evidence or exhibits in regards to the date of conception. The applicant is merely stating a narrative of how he came up with the invention but does not provide the Examiner with any factual exhibits that would solidify the applicant's statements.

### Diligence

1. The MPEP 715.07 (3<sup>rd</sup> Paragraph)

A conception of an invention, though evidenced by disclosure, drawings, and even a model, is not a complete invention under the patent laws, and confers no rights on an inventor, and has no effect on a subsequently granted patent to another, UNLESS THE INVENTOR FOLLOWS IT WITH REASONABLE DILIGENCE BY SOME OTHER ACT, such as an actual reduction to practice or filing an application for a patent. *Automatic Weighing Mach. Co. v. Pneumatic Scale Corp.*, 166 F.2d 288, 1909 C.D. 498, 139 O.G. 991 (1st Cir. 1909).

2. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Horowitz et al. reference to either a constructive reduction to practice or an actual reduction to practice.

3. The applicant states that he came up with the conception of the CLICKVIDEOSHOP software in 1996 and reduced it to practice (i.e. created a prototype) in October 1999. The Examiner advises the applicant that even if the date of the conception was to be determined to be October 1996, applicant must still show diligence from just prior to Horowitz et al. (May 19, 1998) to up until the alleged RTP.

---

Art Unit: 2174

**COPY**

**Reduce to Practice (RTP)**

1. The MPEP 715.07 (3<sup>rd</sup> Paragraph)

In general, proof of actual reduction to practice requires a showing that the apparatus actually existed and worked for its intended purpose. However, "there are some devices so simple that a mere construction of them is all that is necessary to constitute reduction to practice." In re Asahi /America Inc., \*\*>68 F.3d 442, 37 USPQ2d 1204, 1206< (Fed. Cir. 1995) (Citing Newkirk v. \*>Lulejian<, 825 F.2d 1581, 3USPQ2d 1793 (Fed. Cir. 1987) and Sachs v. Wadsworth, 48 F.2d 928, 929, 9 USPQ 252, 253 (CCPA 1931). The claimed restraint coupling held to be so simple a device that mere construction of it was sufficient to constitute reduction to practice. Photographs, coupled with articles and a technical report describing the coupling in detail were sufficient to show reduction to practice.).

2. The Examiner would like to point out even if the date of conception was to be determined to be October 1996, and the Applicant submitted valid evidence and/or exhibits showing diligence, the applicant must still show factual proof of actual reduction to practice. So far, at best, the applicant has shown a constructive reduction to practice by filing the application. A simple statement about when a prototype was created, as per page 3, of the affidavit, will not warrant as sufficient factual evidence, nor proof of the actual reduction to practice date.

Because the inventor is a pro-se applicant, the Examiner will provide several . . . . . excerpts from the MPEP to further assist the applicant in the prosecution of this case. . . . .

---

The following block of text is the section 715.07 of the MPEP that states that the affidavit must be based on facts (i.e. evidence) and cannot be based solely on the applicant's own statement.

The essential thing to be shown under 37 CFR 1.131 is priority of invention and this may be done by any satisfactory evidence of the fact. FACTS, not conclusions, must be alleged. Evidence in the form of exhibits may accompany the affidavit or declaration. Each exhibit relied upon should be specifically referred to in the affidavit or declaration, in terms of what it is relied upon to show. For example, the allegations of fact might be supported by submitting as evidence one or more of the following:

- (A) attached sketches;
- (B) attached blueprints;
- (C) attached photographs;
- (D) attached reproductions of notebook entries;
- (E) an accompanying model;
- (F) attached supporting statements by witnesses,

where verbal disclosures are the evidence relied upon. *Ex parte Ovshinsky*, 10 USPQ2d 1075 (Bd. Pat. App. & Inter. 1989);

(G) testimony given in an interference. Where interference testimony is used, the applicant must point out which parts of the testimony are being relied on; examiners cannot be expected to search the entire interference record for the evidence. *Ex parte Homan*, 1905 C.D. 288 (Comm'r Pat. 1905);

(H) Disclosure documents (MPEP § 1706) may be used as documentary evidence of conception.

Exhibits and models must comply with the requirements of 37 CFR 1.91 to be entered into an application file. See also MPEP § 715.07(d).

A general allegation that the invention was completed prior to the date of the reference is not sufficient. *Ex parte Saunders*, 1883 C.D. 23, 23 O.G. 1224 (Comm'r Pat. 1883). Similarly, a declaration by the inventor to the effect that his or her invention was conceived or reduced to practice prior to the reference date, without a statement of facts demonstrating the correctness of this conclusion, is insufficient to satisfy 37 CFR 1.131.

37 CFR 1.131(b) requires that original exhibits of drawings or records, or photocopies thereof, accompany and form part of the affidavit or declaration or their absence satisfactorily explained. In *Ex parte Donoyan*, 1890 C.D. 109, 52 O.G. 309 (Comm'r Pat. 1890) the court stated:

If the applicant made sketches he should so state, and produce and describe them; if the sketches were made and lost, and their contents remembered, they should be reproduced and furnished in place of the originals. The same course should be pursued if the disclosure was by means of models. If neither sketches nor models are relied upon, but it is claimed that verbal disclosures, sufficiently clear to indicate definite conception of the invention, were made the witness should state as nearly as possible the language used in imparting knowledge of the invention to others.

The following is an excerpt from the MPEP 715.07 (a) stating that the applicant must prove diligence from conception to reduction to practice.

Where conception occurs prior to the date of the reference, but reduction to practice is afterward, it is not enough merely to allege that applicant or patent owner had been diligent. *Ex parte Hunter*, 1889 C.D. 218, 49 O.G. 733 (Comm'r Pat. 1889). Rather, applicant must show evidence of facts establishing diligence.

In determining the sufficiency of a 37 CFR 1.131 affidavit or declaration, diligence need not be considered unless conception of the invention prior to the effective date is clearly established, since diligence comes into question only after prior conception is established. *Ex parte Kantor*, 177 USPQ 455 (Bd. App. 1958).

What is meant by diligence is brought out in *Christie v. Seybold*, 1893 C.D. 515, 64 O.G. 1650 (6th Cir. 1893). In patent law, an inventor is either diligent at a given time or he is not diligent; there are no degrees of diligence. An applicant may be diligent within the meaning of the patent law when he or she is doing nothing, if his or her lack of activity is excused. Note, however, that the record must set forth an explanation or excuse for the inactivity; the USPTO

Under 37 CFR 1.131, the critical period in which diligence must be shown begins just prior to the effective date of the reference or activity and ends with the date of a reduction to practice, either actual or constructive (i.e., filing a United States patent application). Note, therefore, that only diligence before reduction to practice is a material consideration. The "lapse of time between the completion or reduction to practice of an invention and the filing of an application thereon" is not relevant to an affidavit or declaration under 37 CFR 1.131. See *Ex parte Merz*, 75 USPQ 296 (Bd. App. 1947).



The following is an excerpt from the MPEP 715.07 (3<sup>rd</sup> paragraph) that discusses how an applicant would can establish prior invention of the claimed subject matter.

As discussed above, 37 CFR 1.131(b) provides three ways in which an applicant can establish prior invention of the claimed subject matter. The showing of facts must be sufficient to show:

(A) reduction to practice of the invention prior to the effective date of the reference; or

(B) conception of the invention prior to the effective date of the reference coupled with due diligence from prior to the reference date to a subsequent (actual) reduction to practice; or

(C) conception of the invention prior to the effective date of the reference coupled with due diligence from prior to the reference date to the filing date of the application (constructive reduction to practice).

A conception of an invention, though evidenced by disclosure, drawings, and even a model, is not a complete invention under the patent laws, and confers no rights on an inventor, and has no effect on a subsequently granted patent to another, UNLESS THE INVENTOR FOLLOWS IT WITH REASONABLE DILIGENCE BY SOME OTHER ACT, such as an actual reduction to practice or filing an application for a patent. *Automatic Weighing Mach. Co. v. Pneumatic Scale Corp.*, 166 F.2d 288, 1909 C.D. 498, 139 O.G. 991 (1st Cir. 1909).

Conception is the mental part of the inventive act, but it must be capable of proof, as by drawings, complete disclosure to another person, etc. In *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897), it was established that conception is more than a mere vague idea of how to solve a problem; the means themselves and their interaction must be comprehended also.

**COPY**

The following is excerpt from MPEP (2138.06) further stating that ALL periods between conception and reduction to practice must be accounted for.

**THE ENTIRE PERIOD DURING WHICH DILIGENCE IS REQUIRED MUST BE ACCOUNTED FOR BY EITHER AFFIRMATIVE ACTS OR ACCEPTABLE EXCUSES**

An applicant must account for the entire period during which diligence is required. *Gould v. Shawlow*, 363 F.2d 908, 919, 150 USPQ 634, 643 (CCPA 1966) (Merely stating that there were no weeks or months that the invention was not worked on is not enough.); *In re Harry*, 333 F.2d 920, 923, 142 USPQ 164, 166 (CCPA 1964) (statement that the subject matter "was diligently reduced to practice" is not a showing, but a mere pleading). A 2-day period lacking activity has been held to be fatal. *In re Mulder*, 716 F.2d 1542, 1545, 219 USPQ 189, 193 (Fed. Cir. 1983) (37 CFR 1.131 issue); *Fitzgerald v. Arbib*, 268 F.2d 763, 766, 122 USPQ 530, 532 (CCPA 1959) (Less than 1 month of inactivity during critical period. Efforts to exploit an invention commercially do not constitute diligence in reducing it to practice. An actual reduction to practice in the case of a design for a three-dimensional article requires that it should be embodied in some structure other than a mere drawing.); *Kendall v. Searles*, 173 F.2d 986, 993, 81 USPQ 363, 369 (CCPA 1949) (Diligence requires that applicants must be specific as to dates and facts.).

The MPEP excerpts included in this Office action are by no means a full and comprehensive guide to affidavit practice. They should only serve to direct and assist the applicant in further prosecuting the case.

An examination of this application reveals that applicant is unfamiliar with affidavit practice. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon

skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### ***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (703) 305-8774. The examiner can normally be reached on Monday-Friday except every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

ISSUE SLIP STAPLE AREA (for additional cross references)

POSITION	INITIALS	ID NO.	DATE
FEE DETERMINATION			
O.I.P.E. CLASSIFIER		12	6/6/01
FORMALITY REVIEW	51	905	11/1/01
RESPONSE FORMALITY REVIEW	7/3	1127	11/1/01
	3/2	1021	03/15/02

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INDEX OF CLAIMS

✓ ..... Rejected      N ..... Non-elected  
 = ..... Allowed      I ..... Interference  
 - (Through numeral)... Canceled      A ..... Appeal  
 + ..... Restricted      O ..... Objected

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345	723 726 853	1/20/01	JS
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379	90.01 93.07 93.12 93.14 93.17		
704	240 275		
705	26 37		
707	3 4 5 10 104.1		
709	206 218		
715	513	↓	↓
Update	Search	9/2/01	Bl

INTERFERENCE SEARCHED			
Class	Sub.	Date	Exmr.

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
internet search	Date	Exmr.
inventor search	1/20/01	JS
USPAT		
USPGPUB		
DERWENT		
JPO		
EPO		
consulted with		
Primary examiner		
Sy Liu	↓	↓
Update Search	9/2/01	Bl
Consulted with		
Pinchas Laufer		

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**In The United States Patent and Trademark Office**

Appn. Serial Number: 09/877,729

Appn. Filed: 2001 Jun. 8

Prov. Filed: 2000 Jun. 8

Prov. Serial Number: 60/210,300

Applicant: **Franz A. Wakefield**

Title: Method And System For Creating, Using And Modifying  
Multifunctional Website Hotspots

Examiner/GAU: Boris Pesin/Pinchus Laufer/Brian L. Johnson/Paul Sewell

PTO Supervisor: Kristine Kincaid

**COPY**

Miami, 2005 May 02 Monday

<b>INTERVIEW SUMMARY</b>
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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir & Madame:

In response to telephonic discussions with Examining Core 2100, and the Interview

Summaries received by The Applicant on 2005 May 04, please see the Telephonic Phone  
discussions below:

**TECHNOLOGY CENTER 2100 COMMUNICATIONS**

**COPY**

- Dates:
1. On 10/6/04: duration ~ 2 hours---Boris Pesin, Examiner.
  2. On or about 10/13/04: duration ~ 40 minutes, **1 conversation**  
Pinchus Laufer.
  3. April 25, 2005: duration ~ 10 minutes---Boris Pesin, Examiner
  4. April 26, 2005: duration ~ 30 minutes---Brian L. Johnson
  5. On or about April 27, 2005 ~ 20 minutes---Paul Sewell

Types: Telephonic

Exhibit Shown: 1/7/05 Affidavit and accompanying  
evidence, walk-through and discussed with  
Paul Sewell.

Definite Claims discussed: N/A

Identification of prior art discussed: The effective date of Horowitz.

Agreement with respect to the claims: N/A

**SUBSTANCE OF COMMUNICATIONS**

**I.**

**Substance of Telephonic Communication on 10/06/04, with Examiner:**

I Applicant, and The Examiner, discussed what would be necessary (content and form requirements, and objections to) for an acceptable Affidavit pursuant to 37 CFR § 1.131 to place the patent application in an allowable condition. The Examiner could not answer



the questions as to what would suffice “greater weight” of evidence under 37 CFR § 1.131 (for example; whether 105 pages of “Hard Evidence” would be sufficient as opposed to 290 pages), but a discussion did occur about particular evidence that The Examiner wanted to comment on as Applicant explained the DEPTH of possible evidence and the obstacles that stood ahead of Applicant, before **A REPLY** to The Final Rejection could be submitted. The Examiner in an email dated 10/13/04 referred I Applicant to Pinchus Laufer, as stated below.

- **Excerpt from email communication: 10/13/04 at 2:20 PM**

“For any questions regarding the format of the affidavit please contact Pinchus Laufer at (703) 306-4160. He is a specialist in affidavit practice and can further assist you in the prosecution of your case.”

We discussed the following topics and points in our communication:

1. Conception of Invention.
2. Conception of Invention & Reduction to Practice being Simultaneous.
3. The effective date of reference to validate the invention prior to the prior art.
4. Diligence and how much evidence would be needed to prove Diligence.
5. The claims of the invention being valid in different software languages.
6. Actual and Constructive Reduction to Practice of the invention.
7. The fact that the invention is being utilized for commerce, i.e. through a profit corporations, trademarks, trade secrets, domain names, business plans/methodologies, and marketing/sales plans.

## II.

### **The Substance of the Telephonic Communication with Pinchus Laufer on or about 10/13/04:**

I Applicant and Pinchus Laufer, Special Program Examiner & Affidavit Specialist, discussed what should be included in The Affidavit which would be **A REPLY** to The Final Rejection and the form that The Affidavit should take so that it would be in compliance with 37 CFR § 1.131. Mr. Laufer directed that the claims should be placed in The Affidavit or reference to included, that the relevant cases should be included which could act as persuasion to the points being proven, and that the specific references, and their page numbers, from the exhibits should be placed in the body of The Affidavit.

Mr. Laufer communicated to I Applicant, that “I can’t give you legal advise,” at which time I reassured Mr. Laufer that I was not asking for his legal opinion. He also suggested that I Applicant called him back in three days, but I Applicant found that there was no need for further discussion regarding the form and content requirements and objections to the like for **THE REPLY** to the Final Rejection. **APPLICANT WILL NOTE:**

that there were other email communications (“calls”) to Mr. Laufer in his absence from The USPTO, two (2), on 4/23/05 regarding The Advisory Action, of which there was no reply. Mr. Laufer has also included my inquiries in these emails, the 2004 Affidavit discussion, and the substance (a general summary) of a telephonic communication with Mr. Paul Sewell, all in his 5/2/05 Interview Summary record.

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**III.**

**The Substance of the Telephonic Communication with Boris Pesin, The Examiner on April 25, 2005:**

I Applicant and The Examiner, Mr. Boris Pesin, discussed an email communication that was sent to The Examiner. The email is quoted below:

- **Email communication April 25, 2005 10:36 A.M. Eastern**

“ Dear Mr. Pesin,

I have received your email regarding the reason for the advisory action. You state the rule 1.116(e) as the reason for the advisory action and not a notice of allowance: But the advisory action states at the top of the page: ‘THE REPLY FILED 1/07/2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.’ This statement makes the conclusion that you did review the affidavit and evidence but it still was insufficient to place the application in condition for allowance. As such can you please give me the reason(s) why the Affidavit did not place the application in a condition for allowance? I need your reasoning so that I can have an appropriate reply in a petition under [37 CFR §] 1.137, if I decide to pursue this further. I spoke to an older examiner in Invention Assistance (Mr. Joe Narcavage), who stated that just a reason of [37 CFR §] 1.116(e) is insufficient reason in an advisory action to use to say that the Affidavit and the evidence that accompany and form part of the Affidavit, was not sufficient for placing the application in an allowable condition.”

**NOTE: I, Applicant also talked to two individuals in The Petitions Office in numerous phone conversations on or about April 22, 2005 (Mrs. Mary Ann Jenkins and Mrs. Charlema Grant) who reiterated that technically the patent was abandoned, that technically I would have to petition and that I should find out WHY the 1/7/05 Affidavit and evidence was not sufficient to place the application in an allowable condition. I was specifically told by Mrs. Grant to ask the examiner for his reasoning why the 1/7/05 Affidavit did not place the Application in an allowable condition, because I would need to include a response to this reasoning and deficiency in any petition hereafter.**

The Examiner re-iterated 37 CFR § 1.116 (e) as his reasoning and advised Applicant again to talk to Pinchus Laufer. The Examiner stated that he was told to respond in the advisory action using that particular regulation (§ 1.116 (e)), and that I should talk to Pinchus Laufer regarding the reasoning behind the selection of that rule (Mrs. Kincaid also requested that I Applicant speak to Mr. Laufer about why the advisory action was generated). Applicant suggested that Mr. Pesin should argue relevant statutes and regulations that support the entering of the Affidavit because in the end it is his name on the patent application. Applicant also at the end of the phone conversation suggested that The examiner review 37 CFR § 1.116 (b) (1), at which point The Examiner agreed to review the 1.116 (b) (1) regulation.

- **37 CFR § 1.116 (b) STATES:**

**“ An amendment may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office action;”**

COPY

**IV. The substance of a Telephonic communication with Brian L. Johnson, Special Program Examiner on April 26, 2005.**

I Applicant and Mr. Brian L. Johnson, Special Program Examiner discussed the Advisory Action mailed on 4/21/05. We attempted to find reasoning why the advisory action was issued. Mr. Johnson AGREED that the advisory action should have stated more of a reason than just 37 CFR § 1.116 (e); at which point in the discussion, after Applicant conveyed that the 1/7/05 Affidavit was timely filed and IN RESPONSE to The Final Action, Mr. Johnson referred to MPEP 715.09 Seasonable Presentation. Mr. Johnson inquired if I had met this 715.09 requirement; where I responded that I utilize the statutes (U.S.C.), regulations (CFR), and patent guides (MPEP—‘office guidelines’) in order of importance as listed, and yes I did meet this MPEP guideline. Specifically 715.09 (c) (1), which states:

**“Affidavits or declarations under 37 CFR 1.131 must be timely presented in order to be admitted. Affidavits and declarations submitted under 37 CFR 1.131 and other evidence traversing rejections are considered timely if submitted:**

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**(C) after final rejection and submitted**

**(1) with a first reply after final rejection for the purpose of overcoming a new ground of rejection or requirement made in the final rejection, or...”**

COPY

We also discussed 37 CFR 1.116 (b) (1) and (e). Mr. Johnson also made mention of MPEP 502.03 as to how email communications can be apart of the record, at which time I Applicant communicated that Mrs. Kincaid did not advise me of this rule. **NOTE: APPLICANT COMMUNICATED THE APPROPRIATE LANGUAGE TO THE FIRST EXAMINER JORDAN GOLINKOFF SO THAT EMAILS COULD BE INCLUDED IN THE RECORD, AND IT WAS NEVER WITHDRAWN.** I, Applicant was advised that technically the patent application was abandoned based on statutory time limits, at which time I, Applicant stated that I was contemplating filing a complaint with The United States Department of Justice, and that if there was an error in the issuing of the advisory action that it should and could be rescind based on The Examiner's error and The AGREEMENT MADE (4/19/04---Telephonic Interview) WITH KRISTINE KINCAID, SPE 2100.

V.

**The substance of a Telephonic communication with Paul Sewell, SPE on or about April 26, 2005:**

I Applicant and Mr. Sewell discussed and walked-through the 1/7/05 Affidavit in a telephone conversation. This discussion was directly related to the advisory action mailed on 4/21/05. Applicant communicated that the advisory action was deficient and corroborated the discussion on this topic with the statements from the individuals in The Petitions Department of The USPTO. We proceeded to walk-through the 1/07/05 Affidavit, where Applicant drew the attention of Mr. Sewell to the first statement in the Affidavit: **"This Affidavit is responsive to a Detailed Action (Final Action) filed on 10/06/2004; and is made pursuant to CFR 1.131."** Applicant communicated to Mr. Sewell that ALL of the direction from the examining core was adhered to in response to

**COPY**

the final rejection, including relevant cases that would act as persuasion and not controlling in the prosecution of this patent application. I, Applicant also communicated the undue burden that was being experienced because of the lack of proper examination and documentation. Mr. Sewell suggested that I file a petition to the director under 37 CFR § 1.181, at which time I communicated that my right to file under 37 CFR 1.137 (A) or (B) should not be eliminated by coercion. There was no agreement reached between Mr. Sewell and I; but I duly communicated that I would continue my complaint with Mr. Peter Wong, Mr. Stewart Levy, (Technology Center 2100 Directors) and The FBI.

**Respectfully Submitted,**

---

**Mr. Franz A. Wakefield, Pro Se Applicant & Inventor**  
**COOLTvNETWORK.COM™, INC.**  
**INTERNET AUDIO-VIDEO ENTERTAINMENT**  
17731 NW 14<sup>th</sup> Court  
Miami, Florida 33169  
Tel:305 + 624.3282  
FranzWakefield@hotmail.com



**COPY**

***AFFIDAVIT OF: FRANZ ANTONIO WAKEFIELD***

***IN THE BALANCE OF JUSTICE, FOR THE INVENTION***

**CLICKVIDEOSHOP™ (CVSSW™) SOFTWARE**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appn. Serial Number: 09/877,729

Appn. Filed: 2001 Jun. 8

Prov. Filed: 2000 Jun. 8

Prov. Serial Number: 60/210,300

Applicant: Franz A. Wakefield

Title: METHOD AND SYSTEM FOR CREATING,  
USING, AND MODIFYING MULTI-  
FUNCTIONAL WEBSITE HOTSPOTS.

Examiner/GAU: Boris M. Pesin/2174

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Miami, 2004 December 17th Fri.

**AFFIDAVIT OF FRANZ ANTONIO WAKEFIELD, INVENTOR**

This **AFFIDAVIT** is responsive to a Detailed Action (Final Action) filed on 10/06/2004; and is made pursuant to CFR 1.131.

I, **Franz A. Wakefield**, "Inventor" *DECLARE UNDER PENALTY OF PERJURY:*

That:

This **AFFIDAVIT** establishes invention of the claimed subject matter of the United States Patent Application 09/877,729 filed on June 8, 2001 which claims the benefit of provisional application Serial No. 60/210,300 filed June 8, 2000; and declares that this **AFFIDAVIT**

establishes invention of the claimed subject matter prior to the effective date of the Horowitz reference (U.S. Patent 6,122,647 issued on September 19, 2000 and filed May 19, 1998) and prior to the Efrat Patent 6,570,587 B1 with provisional application filed on July 26, 1996 (issued on May 27, 2003 and filed June 25, 1997). *SEE* Tab 4 (APP3 & REC1-2 pgs. 1-2) Claims (1 – 20) are pending in this application. Claims 1 and 20 are independent claims. In the amendment filed 6/21/2004, claims 8 and 9 were amended.

**That:**

I am Franz A. Wakefield, INVENTOR, AND I HAVE a Bachelor of Science Degree in CHEMICAL ENGINEERING from THE UNIVERSITY OF FLORIDA, a Minor in BUSINESS ADMINISTRATION, and I am The Winner of The 1989 CONGRESSIONAL ART COMPETITION. *SEE* Tab 7 (APP6 & REC2 pgs. 1-3 ), *SEE* Tab 6 (APP6 & REC1 pg. 1)

**That:**

I am the President & Chief Product Design Engineer of COOLTVNETWORK.COM™, INC. a software and broadcasting company founded on September 22, 1999 focused on Internet Commerce, Audio, and Video Entertainment. *SEE* Tab 9 (APP6 & REC3 pgs. 1-2)

## **I. ClickVideoShop™ INVENTION HISTORY**

**That:**

- **Conception and Reduction to Practice is Simultaneous:**

*SEE* Tab 1(APP0 & REC1 pgs.1-2); *SEE* Tab 2(APP1 & Rec1 – Rec6); *SEE* Tab 3(APP2 & Rec1 – Rec6); *SEE* TDC3000x Tab (APP5 & REC1); *SEE* Tab 6(APP6 & REC1); *SEE* Tab 7(APP6 & REC2); *SEE* Tab 9(APP7 & REC1); *SEE* Tab 10(APP8 &

REC1 – REC3); *SEE* Tab 11(APP9 & REC1); *SEE* Tab 12 (APP10 & REC1); AND *SEE* Tab 13(APP12 & REC1)

Because of the ease of interfacing the properties of The Custom-Code written onto The Internet---“The Invention”; (“The Invention”---The Custom-Code written, that translates into (1.) color cued “video objects” which utilizes a data stream which is a part of animations within graphical schematics, that act as links to information or functionalities i.e. “Hotspots,” (2.) that the animated objects i.e. “video objects” actually worked as touch-screen links for accessing additional information and functionalities in a networked system.) It is apparent to someone skilled in the art that JAVA can be effectively used to make the transition of “The Invention” onto The Internet, a Globally Accessible Network. *SEE* Kendall v. Searles, 173 F.2d 986, 993, 81 USPQ 363, 369 (CCPA 1949) This Custom-Code was not and is not in public Dow use.

- *SEE* Tab 12(APP10 & REC1 pg.2); “Not in Public Dow Use”

“The Dow Chemical Company is a global science and technology based company that develops and manufactures a portfolio of chemical, plastic, and agricultural products and services for customers in 168 countries around the world...The company

COPY

has 123 manufacturing sites in 32 countries and supplies more than 3,500 products. The 39,000 Dow people around the world develop solutions for society based on Dow's inherent strength in science..."

- 
- **SEE Tab 2(APP1 & REC4 pgs. 1-3); "Custom-Code Written"**

**"Email Log ...**

**From: Darling, Vernon (VD) vddarling@dow.com**

**Sent: Tuesday, December 14, 2004 12:39 PM**

**To: 'FranzWakefield'franzwakefield@hotmail.com**

---

**Attachment Darling\_\_Vernon\_\_VD\_.vcf (<0.01 MB)**

**:**

**Franz,**

**Your e-mail below is inaccurate in relation to our discussions.**

- 1. I remember the schematic work you did specifically for your Dow work assignment. You created schematics for the Cellulose Process Control Project.**
- 2. The schematics involved animation schemes (the pictures moved) depending on the process state.**

3. In this work you used Dow purchased equipment and software (a Honeywell TDC3000 control system and software)
4. These schematics were used at the Cellulose Project and were in service in this Dow Plant. These are in public use at the Dow plant in question.
5. I do not remember any conversations nor do I have any knowledge relating to your stated invention of new technology. Neither do I remember you showing me anything except your normal work on your assignment for Dow...”

- 
- “Lunch Discussion Regarding The Properties of The Custom-Code, To be Utilized on The Internet”

**That:**

**I, Inventor, Franz A. Wakefield, talked about and stated that the intended functionality of the invention in the following manner:**

**“That the invention was to be utilized on the Internet, that it would utilize all types of communication at a point, and that there was no overlap with the Dow Chemical company.”**

**SEE Tab 2(APP1 & REC1 pg. 2, line 3);**

**COPY**

**“Email Log ...**

**From: “Darling, Vernon(VD)” yddarling@dow.com**

**To: franzwakefield@hotmail.com**

**Subject: not sending affidavit**

**Date: Thu, 2 Dec 2004 14:26:44 -0600**

**Franz,**

**...Also, as we discussed earlier, I really do not recall the conversation in question. I’m not saying we didn’t have it; I just can’t recall having it...”**

-----  
**SEE Tab1(APP0 & REC1 ); “Affidavit OK”**

**TRANSCRIPT OF DOW CHEMICAL CO. PATENT ATTORNEY**

**MR. MIKE GLENN (MICHIGAN-CORPORATE HEADQUARTERS)**

**• *PHONE MESSAGE      DECEMBER 2004***

**MIKE GLENN: “Mr. Wakefield, this is Mike Glenn from Dow. Based on your representation, that you made your invention on your own without the use of Dow resources, it does not appear that this is a matter that involves Dow. So, as a consequence I don’t see that there is any involvement on my part, if you had disclosed something to an individual and whether or not they can confirm that really depends on the individual. I know I spoke to your former supervisor and he told me that he does not**

recall the discussion so that makes it very difficult for him to provide an affidavit, but that's something for you to discuss with him. I will say that my experience; one of the reasons that Dow requires keeping lab notebooks that are witnessed is to provide the written record that is usually the basis for any affidavit. So, again I don't believe this matter involves Dow if there's an affidavit it has to be based on recollections of individual(s) and I'll leave that to you to pursue that as you deem appropriate. Bye."

- *I Franz A. Wakefield, Inventor, declare under penalty of perjury that the foregoing statement made by Mr. Mike Glenn is true and correct.*
- 

**SEE Tab TDC 3000x(APP5 & REC1 pg. 6, para. 3);**

**"Claim 1 and 20 of 09/877,729, exist to someone skilled in the art"**

**"Preparing, Compiling, and linking Control Language Programs (For The TDC 3000): This function allows the process engineer to use the Universal Station (i.e. The TDC 3000) to prepare, compile, and link Control Language (CL) programs. Control Language programs allow the process engineer to define custom-control action in an Application Module (CL/AM), to define sequence programs for a Process Manager (CL/PM), Advanced Process Manager (CL/APM), High Performance Process Manager (CL/HPM), and Multifunction Controller (CL/MC), and to define**

custom data segments for the Application and Computing Modules.” *SEE* Tab 11(APP9 & REC1 pg.2) Conception and Reduction to Practice is simultaneous because the TDC 3000 operates similarly to The Internet as a means of communicating with and through a network of computers. *SEE* Tab5(APP4 & REC1 pg1. 1964, 1965, 1971 excerpts) The ease and simplicity of re-engineering the invention Animated Video objects, i.e. “Hotspots” so that it can be utilized on a globally accessible network such as The World Wide Web for interaction with and through video, audio, and digital media by utilizing a mode control bar & “Multi-functional Hotspots™” within digital media to control and use Grid-Networks for communication, commerce, & efficient process flow, as to achieve ambidextrous organizations on globally accessible networks such as WWW, would be well received & IS OBVIOUS TO SOMEONE SKILLED IN THE ART. *SEE* Asahi/America Inc., \*\*>68F. 3d 442, 37 USPQ 2d 1204, 1206 < (Fed. Cir 1995); *SEE* Citing Newkirk v. \*> Lulejian <, 825 F. 2d 1581, 3 USPQ 2d 1793 (fed. Cir. 1987); *SEE* Sachs v. Wadsworth, 48 F. 2d 928, 929, 9 USPQ 252, 253 (CCPA 1931).

*SEE* Tab TDC3000x(APP5 & REC1 pgs. 1-9)

“Claims 1 & 20 of 09/877,729 exist to someone skilled in the art”

**TDC 3000x**



- **Page 1, column 2, para. 2**

**“Universal Station Specification and Technical Data...**

**Perhaps the most powerful of all operating displays are the Custom Graphic Displays [], which are designed by the user and, therefore, can be based on concepts and practices that are unique to the user’s plant. They can contain graphic, textual, behavioral, and trend information and represent a whole area, a unit, or single point. Graphics can be linked to many of the standard process displays and can themselves have targets that allow cursor selection of other graphics or standard displays. They can be used to make changes in process parameters, they can be used for control, and alarms can be displayed in a variety of ways. Because they can be stored on History Modules, cartridge disks, and floppy disks as well as in Universal Station memory, the total number of Graphic Displays that are available to the operator can be virtually unlimited. In addition, Graphic Displays can be duplicated on separate HMs, providing disk redundancy for critical displays.**

**Page 2, para. 1**

**Graphic displays can be built so that the operator can monitor and manipulate the process directly from them. Both continuous and discontinuous processes can be**

managed from graphic displays. Basically, any data point parameter or sequence can be monitored and manipulated from any graphic display. Graphic behaviors such as blinking, color changes, bar graphs, appearance of subpictures, and numeric values can be controlled by parameters of data points. Additionally, process alarms can be acknowledged from graphic displays. The ability to bring another live display into a designated area within an existing graphic display is another convenient feature available for use on graphic displays...

Page 3, column 3, para. 2 and 3

#### **TDC 3000x System Displays**

The system displays show the assignments and status of the modules on the LCN and the process-connected devices on the UCNs and Data Hiways and provide the means to define and change assignments or change the status. The System Status Display [] is called up by pressing the SYST STATS key. Most other TDC 3000x System Displays can be accessed through targets on this display.

#### **System Status Display**

The System Status Display provides detailed status information for each node on the LCN. In addition, the display provides an easy method of loading any combination

of LCN nodes as well as loading a preconfigured list of nodes....

**COPY**

Page 5; column 1, para. 2: column 2, para. 2 and para. 3

- **Polygons**—Realistic representations of plant equipment such as valves, pumps, and vessels can be constructed. Both filled and wire-frame polygons are supported...
- **Behavior of Display Objects**---The color, blinking, and intensity of objects in the display can be controlled, based on the value of the process variable. This allows abnormal conditions in the process to be represented by a corresponding change in a graphic display. For example, a blinking red pump might represent an alarm on that piece of equipment.
- **Subpictures**---Once a picture has been built, it can be added to any other picture as a subpicture. Thus the process engineer can construct an image of an object such as a pump or valve only one time and quickly add it to a picture. The subpicture can be added to a picture, or many pictures as required...The subpicture can be added with its behavior intact, or the process engineer can choose that the subpicture has the same behavior of the picture to which it is added...

That:

Diligence:

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From Conception (February 1996) to Reduction to Practice in April 30, 1996 there was sufficient diligence in creating viable code for graphical schematics with animated "Hotspots." *SEE* Christie v. Seybold 1893 C.D. 515, 64 O.G. 1650 (6<sup>th</sup> Cir. 1893), and *SEE* Tab2(APP1 & REC4 pgs. 1 -2) From April 30, 1996 to the filing date of the provisional application (June 8, 2000) my main goal was confidentiality, raising money, actively building, while simultaneously dedicated to pursuing provisional and patent protection. This diligence to have the most intellectual property protection for CVSSW™ and for developing a proof of concept, prototypes, and the initial product for mainstream marketing & distribution had to be done as time permitted because Inventor was a full time student working to obtain a Bachelor of Science degree in Chemical Engineering and a minor in Business Administration taking the relevant curriculum as a fulltime student or through Co-Operative/Intern experiences; *SEE* Tab7(APP6 & REC2 pgs. 1 - 3); *SEE* "DILIGENCE" Tab(APP15 & REC1 – REC6); *SEE* "DILIGENCE" Tab(APP16 & REC1 -4); *SEE* "DILIGENCE" Tab(APP17 & REC1), *SEE* Automatic Weighing Mach. Co. v. Pneumatic Scale Corp., 166 F. 2d 288, 1909 C. D. 498, 139 O.G. 991(1<sup>st</sup> Circle 1909) and had not secured the capital nor JAVA training necessary for the effective scaling and transition of "The Invention" onto the Internet. It was not until July of 1999, when Inventor was able to devote larger portions of time to implementing the development of the invention for viable use via The Internet. *SEE* Tab7(APP6 & REC2 pgs. 2- 3); *SEE* "DILIGENCE" Tab(APP15 & REC5 pgs. 9 – 12); *SEE* Tab3(APP2 & REC1 pgs. 1 – 5); *SEE* Tab3(APP2 & REC3 pgs. 1 -2)

- **SEE “DILIGENCE” Tab(APP15 & REC5 pgs. 9 - 11); SEE Tab7(APP6 & REC2 pgs. 1 – 3)**

**COPY**

**Itemized below:**

Graduation from the University of Florida on December 18, 1999; started work at Cordis NeuroVascular Inc. (a Johnson & Johnson co.) on January 10, 2000

Aug. 99 – Dec. 99	Research Fellow, <b>The University of Florida</b> Molecular Association in <b>Micelles, Liquid Crystals</b> and <b>Microemulsions</b> And <b><u>Carried Eight (8)</u></b> credits as a Chemical Engineering Senior at The University of Florida	<b>Gainesville, FL</b>
May 99 – Aug 99	<b><u>Carried Nine (9)</u></b> credits as a Chemical Engineering Senior at UF	
Jan. 99 – May 99	<b>Full Time Chemical Engineering</b> Student at U.F. carrying 15 credits	
Aug. 98 – Dec. 98	<b>Full Time Chemical Engineering</b> Student at U.F. carrying 12 credits	
May 98 – Aug. 98	<b>Full Time Employee, Intern, Cardiology dept. of Cordis Corporation</b> (a Johnson & Johnson co.) <b>Patent disclosure: Implementation of automated UV adhesive procedure</b>	<b>Miami, FL</b>
Jan. 98 – May 98	<b>Full Time Chemical Engineering Student</b> at The University of Florida carrying 13 credits	
Aug. 97 – Dec 97	<b>Full Time Chemical Engineering</b> student at The University of Florida carrying 13 credits	
May 97 – Aug. 97	<b>Ronald E. McNair Research Fellow</b> Pressure drop studies through <b>Multi-dispersed Spherical Particles in Packed Columns</b>	<b>University of Florida</b>
Jan. 97 – May 97	<b>Co-Op Engineer, Dow Chemical co.</b> <b>Chlor – Alkali Plant:</b> Optimizing water recirculation discrepancies, and Plant troubleshooting	<b>Freeport, TX</b>
Aug. 96 – Dec. 96	<b>Full Time Chemical Engineering student</b> at The University of Florida carrying 15 credits	
May 96 – Aug. 96	<b>Intern, Kraft Food Co.</b> <b>Extra Creamy COOLWhip® Process Optimization, Product Reformulation, And Consumer Analysis Studies</b> <b>Patent disclosure: Implementation of a protein complexing derivative</b>	<b>Chicago, IL</b>
Jan 96 – May 96	<b>Co-Op Engineer, Dow Chemical co.</b> <b>Methoxy Cellulose Plant:</b> Configuration of <b>TDC 3000</b> operating interface to <b>integrate</b> with existing control system; for <b>maximizing production</b> , and operator's needs for efficient process control	<b>Plaquemine, LA</b>

**COPY**

While I initially decided that it would be best to have an internet entertainment portal, and created graphical representations of the software logic and artistic renditions of the “look and feel,” of how the user would interface with the software module. *SEE* Tab14(APP11 & REC1 pgs. 1- 22); *SEE* Tab13(APP12 & REC1 pgs. 1 – 3) Inventor on or about July of 1999 met with an attorney Bruce Brashear to start the process of securing intellectual property rights. *SEE* “DILIGENCE” Tab & Tab18(APP16 & REC3A pg. 20) Mr. Brashear after a presentation where inventor spoke about the invention in the context of an entertainment “channel” COOLCOMMERCIALS.COM™, an archive of entertaining Tv commercials that would utilize the ClickVideoShop™ software; *SEE* Tab14(APP11 & REC1 pgs. 1- 22) referred Inventor to Saliwanchik, Lloyd & Saliwanchik (“SLS”). *SEE* “DILIGENCE” Tab & Tab18(APP16 & REC3A pg. 20) The process of patenting the software (describing the invention in detailed descriptions, flowcharts, via business plan, & communication letters...etc.) continued with “SLS” until March 6, 2000 *SEE* (“DILIGENCE” Tab) when the attorney who Inventor was working with Mrs. Christine Q. McLeod stated:

- *SEE* “DILIGENCE” Tab & Tab18(APP16 & REC3 pg. 0B)  
“Attorney-Diligence/Engineering-Diligence”

“Dear Franz:

Further to my telephone message of today, we have recently  
Discovered that our firm may have a conflict of interest with  
A former client of our firm with respect to your particular  
technology. Therefore, after careful consideration, we have  
determined that we must decline representation in this matter.

**COPY**

**We heartily encourage you, and in fact urge you, to consult other legal counsel of your choice. Attached is a list of just a few software patent attorneys in South Florida who may be able to assist you. We will return to you under separate cover all original documents which you have provided us and will destroy any of our own internal work product. Please understand that our determination of non-representation is solely based upon ethical considerations imposed upon us by the Bar and is not indicative of the patentability of your technology..."**

**In that same week (March 2000) Inventor was able to solidify a price range for representation, *SEE* "DILIGENCE" Tab & Tab18(APP16 & REC3 pg. 0B, 0C) started the process of orienting the patent attorney on the technology, and started the patenting process (provisional patent protection). *SEE* "DILIGENCE" Tab & Tab19(APP17 & REC1 pgs. 1 - 49)**

**Thus, as Per:**

**2138.06 "Reasonable Diligence"**

**"The diligence of 35 U.S.C. 102 (g) relates to reasonable 'attorney-diligence' and 'engineering-diligence' (Keizer v. Bradeley, 270 F. 2d 396, 397, 123 USPQ 215, 216 (CCPA 1959)), which does not require that 'an inventor or his attorney drop all other work and concentrate on the particular invention involved. (Emery v. Ronden, 188 USPQ 264, 268 (Bd. Pat. Inter. 1974))"**

**COPY**

**Reduction To Practice—Internet Prototype Utilizing JAVA**

On or about October 20, 1999, Stephen A. Benedict, an independent contractor & future CTO of COOLTVNETWORK.COM™, Inc. created a JAVA Proof of Concept (i.e. Prototype) and verified INTERNET feasibility of The ClickVideoShop™ software (CVSSW™). *SEE* Tab3(APP2 & REC1 pgs. 1 - 5); *SEE* Tab3(APP2 & REC2 pgs. 1 - 2) On February 18, 2000 I, Inventor, filed a “Disclosure Document Deposit...” of the title of the software invention (CLICKVIDEOSHOP™) and paid the fee pursuant to (37 CFR 1.21(c)). *SEE* Tab15(APP13 & REC1 pgs. 1 - 2) I decided not to send a detailed description (written description and drawings) of the invention with the “Disclosure Document Deposit Request,” so that I could maintain the highest confidentiality.

**Reduction To Practice---Constructive/Filing Applications**

Consequently on June 8, 2000 the provisional patent application was filed with the USPTO, followed by the filing of the Utility Patent Application, and the PCT (International) Application on June 8, 2001 with the USPTO and the PCT office respectively.

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Copyrighted 1999 ©

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SEE "DILIGENCE" Tab & Tab18(APP16 & REC4 pg. 12)

- COOLTVNETWORK.COM™ Business Plan

"Video

COOLTVNetwork.com™ realizes that the bandwidth bottleneck will be opened, and there will be a convergence of television and computer. "I don't think a lot of people on the consumer level know how much change is about to hit them, especially when it comes to Tv viewing."-David Ostmo, director of operations for KABB-TV (Warner Bros. Affiliate.) By 2006, television as we know it will change forever. That year is the deadline set by the U.S. Federal Communications Commission (FCC) for all television stations nationwide to switch over to a new digital broadcasting technology. COOLTVNetwork.com™ is strategically entering the audio/video and e-tailing market, focusing on music, sports, cartoons, and commercials to build a stable of brand capital and a loyal consumer following. COOLTVNetwork.com™ will actively build a consumer base within the bandwidth limitations, to effectively position itself for the evolution of Internet technology, and the eminent movie on demand market. COOLTVNetwork.com™ at every stage will perpetuate the quintessence of 'eCOOL!™' combining interactivity, technology, e-tailing, and entertainment to provide the Net's most reliable audio/video with retail experience.

COOLTVNetwork.com™ will use the convergence of audio, video, and retailing to engage consumers psychologically on a more profound level than most websites. The company will create, for the consumer, an 'eCOOL!™' Internet City, which will be a virtual entertainment & retailing toy-box filled with an exhaustive repertoire of audio and interactive video. With 'Post It Corners™,' 'Forum

**Lounges,' 'CLICKVideoShopping™,' And 'Video Time Capsules™' of favorite artists and athletes, COOLTVNetwork™ will embody the essence of eCOOL!™"**

**SEE "CTv Tech." Tab & Tab22(APP18 & REC3 pg. 8),  
"Converging Technology, Forecast Correct"**

**COPY**

**"Samsung Puts Hard Drive in a Mobile [Phone]**

**September 07, 2004, 09:35 BST**

**The 'world's first' mobile phone with a built-in hard drive has been unveiled. Would it push the iPod out of your pocket?**

**The convergence of mobile phones and other portable Devices shuffled another step forward on Monday when Samsung launched a handset that contained a 1.5 GB hard drive with a one-inch diameter.**

**Samsung has claimed that the SPH-V5400, which was launched in Japan, is the first mobile phone to include a hard drive. Users will be able to store a wide range of different media types on it, including digital music files and photos...etc"**

**SEE “CTv Tech.” Tab & Tab22(APP18 & REC3 pg. 2),**

**COPY**

**“Video Coming to Mobile Phones**

**6/28/04 12:15 PM PT**

**In the United States, video messaging got started in March 2003 with T-Mobile. The company now offers Two phones capable of shooting 10-second video clips...**

**‘In the future, everybody will be famous for 15 minutes,’ goes the legendary quote from 1960s artist and self-promoter Andy Warhol...**

**and SEE “CTv Tech.” Tab & Tab22(APP18 & REC4 pg. 2, para. 2)**

**“Vodafone introduces Vodafone live!™ enhanced with 3G in Europe**

**[May 4, 2004]**

**...Vodafone live!™, the industry-leading, multi-media consumer service, will be enhanced by 3G technology in a series of phases. This will bring consumers improved quality, sound, pictures and videos, as well as increased speed when downloading games and ringtones. They will also be able to access a select range of new services such as video calling, video downloads (sports, news, music and general entertainment) and the streaming of live events to their handset, as well as existing services such as video messaging...**

**SEE "CTv Tech." Tab & Tab22(APP & REC # pg.)**

**COPY**

**"A mini cinema in your pocket: more video clip fun from  
Vodafone**

**[January 9, 2004]**

**The popularity of the mobile phone as a 'pocket cinema'  
is growing by leaps and bounds, with more and more  
people using their handsets to find out the latest soccer  
scores, to keep up to date with news from all over the  
world, or simply to enjoy a cartoon film..."**

**SEE "CTv Tech" Tab & Tab20 (APP18 & REC1 pgs. 1- 6)**

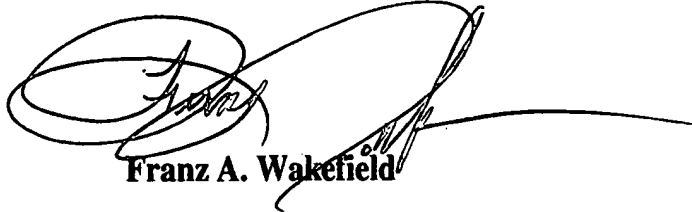
**"CTv Presentation Text © 1999 - 2001"**

-----  
**That:**

**I understand that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon. All statements made in this declaration are of my own knowledge and are true and believed to be true. Pursuant to the facts that accompany and form a part of this AFFIDAVIT, The 1999 American Inventors Protection Act, 37 CFR 1.131, 1.132, and MPEP 2136.05, Applicant/Inventor respectfully requests the approval of swearing behind the relevant prior art referenced in the Detailed Office Action and the traversing of the rejections/objections (102(e) and 103(a)) of the claims in the 09/877,729 application; in order that the undersigned can place this application in allowable**

condition as soon as possible and without the need for further proceedings.  
Attached are the evidentiary materials that support this declaration.

Very respectfully,



Franz A. Wakefield

-----Applicant Pro Se-----

**COOLTvNETWORK.COM™, Inc.**

**INTERNET AUDIO-VIDEO ENTERTAINMENT**

17731 North West 14<sup>th</sup> Court

Miami, Florida 33169

Tel. (305) + 624 – 3282


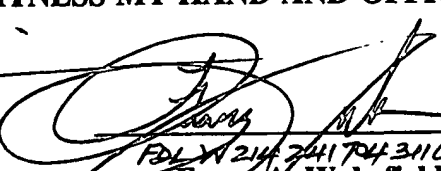
Appn: 09/877,729 (WAKEFIELD) GAU 2174.

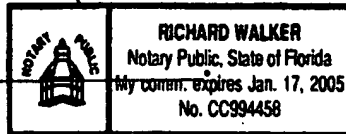
**“GET eCOOL!”™**

NOTARIZED: (AFFIDAVIT of Franz A. Wakefield, INVENTOR).

STATE OF FLORIDA COUNTY OF BROWARD

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED  
BEFORE ME BY FRANZ A. WAKEFIELD. WHO IS PERSONALLY  
KNOWN TO ME OR HAS PRODUCED A FLORIDA DRIVER'S  
LICENSE AS IDENTIFICATION AND WHO DID OR DID NOT  
TAKE AN OATH. WITNESS MY HAND AND OFFICIAL SEAL ON

  
  
NOTARY PUBLIC  
STATE OF FLORIDA  
MY COMMISSION EXPIRES: 8/31/08  
Franz A. Wakefield, Inventor



Attachments: APPENDIX & EVIDENTIARY DOCUMENTS (RECORD)

AppN: 09/877,729 (WAKEFIELD) GAU 2174

## APPENDIX

1. Dow Patent Attorney Testimony.....	APP0 & REC1
Taped message.....	Exhibit 1
2. Email Log.....	APP1 & Rec1- Rec6
3. Affidavit Testimony/Sup Docs.....	APP2 & Rec1 – Rec6
4. Prior Art.....	APP3 & Rec1 – Rec2
5. Technology History.....	APP4 & Rec1
6. TDC 3000x Manual.....	APP5 & Rec1
7. AWARD.....	APP6 & Rec1
8. Transcript.....	APP6 & Rec2
9. Corporate Documents.....	APP6 & Rec3
10. Journal Entry.....	APP7 & Rec1
11. Recommendations/Evaluations.....	APP8 & Rec1 – Rec3
12. Reduction to Practice Presentation.....	APP9 & Rec1
13. Dow Size Web page.....	APP10 & Rec1
14. Artistic Representations.....	APP 12 & Rec1
15. Entertainment Portal/Presentation.....	APP11 & Rec1
16. Disclosure Document Deposit Receipt.....	APP13 & Rec1
17. Build Strategy (Disney Letter).....	APP14 & Rec1
18. Diligence Notarization Proof.....	APP15 & Rec1 – Rec 6

**19. Diligence (Attorney/Engineer-Diligence).....APP16 & Rec1 – Rec4**

**20. Diligence (Attorney/Engineer-Diligence).....APP17 & Rec1**

**21. CTv Pres. Text/Technology Convergence.....APP18 & Rec1 – Rec4**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appn. Serial Number: 09/877,729

Appn. Filed: 2001 Jun. 8

Prov. Filed: 2000 Jun. 8

Prov. Serial Number: 60/210,300

Applicant: Franz A. Wakefield



Title: METHOD AND SYSTEM FOR CREATING,  
USING, AND MODIFYING MULTI-  
FUNCTIONAL WEBSITE HOTSPOTS.

Examiner/GAU: Boris M. Pesin/2174

Miami, 2005 January 4<sup>th</sup> Tuesday

TRANSCRIPT OF DOW CHEMICAL CO. PATENT ATTORNEY  
MR. MIKE GLENN (MICHIGAN-CORPORATE HEADQUARTERS)

• PHONE MESSAGE DECEMBER 2004

MIKE GLENN: Mr. Wakefield, this is Mike Glenn from Dow. Based on your representation, that you made your invention on your own without the use of Dow resources, it does not appear that this is a matter that involves Dow. So, as a consequence I don't see that there is any involvement on my part, if you had disclosed something to an individual and whether or not they can confirm that really depends on the individual. I know I spoke to your former supervisor and he told me

APPN: 09/877,729 (WAKEFIELD) GAU 2174

that he does not recall the discussion so that makes it very difficult for him to provide an affidavit, but that's something for you to discuss with him. I will say that my experience; one of the reasons that Dow requires keeping lab notebooks that are witnessed is to provide the written record that is usually the basis for any affidavit. So, again I don't believe this matter involves Dow if there's an affidavit it has to be based on recollections of individual(s) and I'll leave that to you to pursue that as you deem appropriate. Bye.

- o *I Franz A. Wakefield, Inventor, declare under penalty of perjury that the foregoing statement made by Mr. Mike Glenn is true and correct.*

NOTARIZED: (Phone Transcript taken by Franz A. Wakefield).

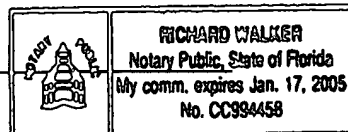
STATE OF FLORIDA COUNTY OF Browards

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY FRANZ A. WAKEFIELD, WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED A FLORIDA DRIVER'S LICENSE AS IDENTIFICATION AND WHO DID OR DID NOT TAKE AN OATH. WITNESS MY HAND AND OFFICIAL SEAL ON

NOTARY PUBLIC

STATE OF FLORIDA


MY COMMISSION EXPIRES:



Attachments: Tape recording of Dow Patent Attorney Mr. Mike Glenn

APPN: 09/877,729 (WAKEFIELD) GAU 2174

# EMAIL LOG

△ | ◇ | ✕ |  Inbox

From : Darling, Vernon (VD) <vddarling@dow.com>  
Sent : Thursday, December 2, 2004 2:52 PM  
To : franzwakefield@hotmail.com  
Subject : Timeline for response??

---

📎 Attachment : Darling, Vernon(VD).vcf (< 0.01 MB)

Franz,  
I apologize for the delay on your patent request feedback.

However, I have had no success connecting with a Dow lawyer on this item. I will wait until Dow legal gives me instructions on how to proceed on this matter. Understandably they don't have a vested interest in this matter and I'm sure that it is at the very bottom of the priority list.

So, I hope that I can resolve this matter soon with Dow Legal. However, based on other legal work my group is currently involved in, I anticipate being instructed to limit my involvement based on potential Dow liability, etc.

I'll keep pushing on your behalf, but I may have to drop this entire matter if the lawyers don't get back to me with a response. This said, I'm still waiting to hear. If I had to guess about a timeline, I wouldn't plan on getting this before the end of the year. Next, I would say there is a less than 50% chance that any of the lawyers will recommend that I send your requested feedback.

Regards,

*Vernon Darling*

Vernon Darling

Process Automation Leader	Bldg 6650, PO150
EOEG Technology Center	Plaquemine, LA 70765
The Dow Chemical Company	ph.225.353.4337 fax.225.353.2254

AppN : 09/877,729 (wakefield) 6AU 2174 1 cF2

APP1 & REC1

>From: "Darling, Vernon (VD)" <vddarling@dow.com>

>To: franzwakefield@hotmail.com

>Subject: not sending affidavit

>Date: Thu, 2 Dec 2004 14:26:44 -0600

>

>Franz,

>

>I just received a phone call from Dow Legal and discussed the matter at length with one  
>of our lawyers. As I suspected, I was instructed NOT to give the requested feedback.

>Also, as we discussed earlier, I really do not recall the conversation in question. I'm not  
>saying we didn't have it; I just can't recall having it. I regret not being able to meet

>your request. Good luck with this and sorry I couldn't be of help.

>

>

>

>

>

>Regards,

> Vernon Darling

>Vernon Darling

>

>Process Automation Leader Bldg 6650, PO150

>EOEG Technology Center Plaquemine, LA 70765

>The Dow Chemical Company ph.225.353.4337 fax.225.353.2254

>

>

>

>

>>> Darling,Vernon(VD).vcf >>

3

Appn: 09/877,729 (wakefield) GAU 2174 2 OF 2

vddarling@dow.com

RE: not sending affidavit

December 2, 2004

Sent at 4: 24 P.M.

Vernon, I requested an affidavit could you instead send a note to the facts that I wanted you to attest to, it could be via email if you like, but a short letter would also be fine. For example that I created a "video" utilizing the data stream and graphic representations within graphical schematics, and that the animated objects actually worked as touch-screen links for accessing additional information; and it was not in Dow public use.

Thank You In Advance,

Franz A. Wakefield  
President & Chief Product Design Engineer  
COOLTVNETWORK.COM, INC.  
17731 North West 14th Court  
Miami, Florida 33169  
FranzWakefield@hotmail.com  
Tele: (305) + 624.3282

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Appn: 09/877,729 (Wakefield) GAU 2174 1 OF 1

APP1 & REC2

# EMAIL LOG

vddarling@dow.com

CVSSW (URGENT)\*\*\*

December 3, 2004

Sent 9: 59 A.M.

Vernon,

I know that you may feel a bit uncomfortable, but the fact of the matter is that I did not break any laws. It is generally known in the industry that

"...devices may be reengineered by third parties, which will NOT be deemed infringers if those devices perform equivalent processes differently."  
Harvard Business Review; Dec. 2004 pg. 74, "How Market Smarts Can Protect Property Rights"

2

I need your testimony for the performance of justice, this invention can and will have a major impact on the economy and science. If you still feel uncomfortable after reading this email; then I would LIKE to talk to the DOW attorney that gave you such advise.

Again it is generally known that in the prosecution of a case discovery can be sought of information within business records...etc. Florida Evidence Code Chapter 90; which is in compliance with Federal Evidence Code.

Thank You In Advance

Franz A. Wakefield  
President & Chief Product Design Engineer  
COOLTVNETWORK.COM, INC.  
INTERNET AUDIO-VIDEO ENTERTAINMENT  
17731 North West 14th Court  
Miami, Florida 33169  
Tele: (305) + 624.3282  
FranzWakefield@hotmail.com


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-----

APP1 & REC3

Appn: 09/877,729 (Wakefield) GAU 2074 1 OF 1

# EMAIL LOG

From : Darling, Vernon (VD) <vddarling@dow.com>  
Sent : Tuesday, December 14, 2004 12:39 PM  
To : 'Franz Wakefield' <franzwakefield@hotmail.com>  
Subject : Franz Wakefield

△ | ▽ | ✕ |  Inbox

④ Attachment Darling\_\_Vernon\_\_VD\_.vcf (< 0.01 MB)  
:

Franz,  
Your e-mail below is inaccurate in relation to our discussions.

1. I remember the schematic work you did specifically for your Dow work assignment. You created schematics for the Cellulose Process Control Project.
2. The schematics involved animation schemes (the pictures moved) depending on the process state.
3. In this work you used Dow purchased equipment and software (a Honeywell TDC3000 control system and software)
4. These schematics were used at the Cellulose Project and were in service in this Dow Plant. These are in public use at the Dow plant in question.
5. I do not remember any conversations nor do I have any knowledge relating to your stated invention of new technology. Neither do I remember you showing me anything except your normal work on your assignment for Dow.
6. You send a threatening e-mail asking "You guys want to go to court?"

Regards,  
Vernon Darling

Process Automation Leader	Bldg 6650, PO150
EOEG Technology Center	Plaquemine, LA 70765
The Dow Chemical Company	ph.225.353.4337 fax.225.353.2254

-----Original Message-----

From: Franz Wakefield [mailto:franzwakefield@hotmail.com]

APP1 & REC4

AppN : 09/877,729 (Wakefield) CAU 2174 1 of 3

Sent: Tuesday, December 14, 2004 9:06 AM  
To: Darling, Vernon (VD)  
Subject: RE: CVSSW (URGENT)\*\*\*

December 14, 2004

Sent 10: 05 A. M.

Vernon,

I did not "threaten" you. The accusation of such, is disgusting. I requested an affidavit of recollection not just about the date that I spoke to you about my intended usage of an invention I conceived at Dow, but the fact that I created schematics with animated touch-screen objects that act as 'links' to other information. You specifically told me that you remembered these schematics, that they worked, and they were created above and beyond my job assignment. You said that you did not recall the conversation that transpired at lunch; when I specifically stated that I would utilize this concept via the Internet. I consequently asked you to provide an affidavit itemizing that I pulled you aside to show you these one or two animated schematics, that these animated objects utilized in the graphical schematics that were created by me and me alone worked as animated objects, and as links to other information in a networked system, and that they were not in Dow Public use.

If you are now claiming that you have no recollection of either then your memory is conveniently very short. Again, I have requested this information for the performance of justice in this case; and as such I have contacted Dow legal Mr. Mike Glenn at 989-636-2860 to assist me on this matter. If you now do not remember if the animated schematics worked it can be easily researched and confirmed.

Best Regards

Franz A. Wakefield  
President & Chief Product Design Engineer  
COOLTVNETWORK.COM, INC.  
17731 North West 14th Court  
Miami, Florida 33169  
Tele: (305) + 624.3282  
FranzWakefield@hotmail.com

-----  
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Appn: 09/877,729 (Wakefield) GAU 2174 2 OF 3



mail and destroy all copies of the original message.

-----

>From: "Darling, Vernon (VD)" <vddarling@dow.com>  
>To: Franz Wakefield <franzwakefield@hotmail.com>  
>Subject: RE: CVSSW (URGENT)\*\*\*  
>Date: Mon, 13 Dec 2004 22:58:20 -0600  
>  
>Franz,  
>  
>You have asked me to provide an affidavit to confirm the date of an  
>invention you believe you made several years ago while a co-op  
engineer with Dow. Despite your repeated efforts to refresh my  
recollection, I do not recall discussing this invention with you  
prior to your recent contacts.  
>  
>If you pursue this, as you threatened, I would tell a judge that I  
>cannot provide an affidavit to confirm facts that I do not  
recall. I ask you not to contact me again on this matter, since I am  
unable to provide the affidavit you requested.  
>  
>Regards,  
>Vernon Darling  
>  
>Process Automation Leader                      Bldg 6650, PO150  
>BOEG Technology Center                        Plaquemine, LA 70765  
>The Dow Chemical Company                      ph.225.353.4337      fax.225.353.2254

><< Darling,Vernon(VD).vcf >>

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FREE pop-up blocking with the new MSN Toolbar - get it now!  
<http://toolbar.msn.click-url.com/go/onm00200415ave/direct/01/>

AppN: 09/877,729 (Wakefield) GAU 2174 3 OF 3

From : Franz Wakefield <franzwakefield@hotmail.com>  
Sent : Wednesday, December 15, 2004 1:32 PM  
To : vddarling@dow.com  
CC : franzwakefield@hotmail.com  
Subject : CVSSW (CLICKVIDEOSHOP(TM))

◇|◇|X|Inbox

Attachment: VERNDARAFFID.doc (0.03 MB), Vernon.doc (0.04 MB)

DECEMBER 15, 2004

SENT 1: 28 P.M.

THE DOW CHEMICAL COMPANY  
21255 HIGHWAY 1 BUILDING 6650  
PLAQUEMINE, LA. 70765

Vernon,

I have just received a call from Mr. Mike Glenn, a Dow Patent Attorney, who stated that Dow has nothing to do with my software invention CLICKVIDEOSHOP(TM) CVSSW. He also stated that he would have nothing against you writing an affidavit of recollection. He said he would leave that up to me to work with you on obtaining the affidavit. As such can you please add the points that you itemized in a previous email as seen below in a notarized affidavit on Dow letterhead (reference the information that I sent to you in the letter, and affidavit form). I am resending an "e" copy for your convenience.

You can send the affidavit to the address below. My new deadline is January 6, 2005; but because of the holiday season I am requesting that you send the document via Fed-Ex. Thanks.

POINTS IN PREVIOUS EMAIL

1. I remember the schematic work you did specifically for your Dow work assignment. You created schematics for the Cellulose Process Control Project.
2. The schematics involved animation schemes (the pictures moved) depending on the process state.
3. In this work you used Dow purchased equipment and software (a Honeywell TDC3000 control system and software)

APP1 & REC5

Appn: 09 / 877, 729 (Wakefield) GAU 1 OF 2

4. These schematics were used at the Cellulose Project and were in service in this Dow Plant. These are in public use at the Dow plant in question.

5. I do not remember any conversations nor do I have any knowledge relating to your stated invention of new technology. Neither do I remember you showing me anything except your normal work on your assignment for Dow.

-----

Best Regards

Franz A. Wakefield  
President & Chief Product Design Engineer  
COOLTVNETWORK.COM, INC.  
INTERNET AUDIO-VIDEO ENTERTAINMENT  
17731 North West 14th Court  
Miami, Florida 33169  
Tele: (305) + 624.3282  
FranzWakefield@hotmail.com

ATTACHMENT: VERNDARAFFID.DOC, VERNON.DOC

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Appx: 09/877,729 (Wakefield) GAU 2174 2 OF 2

# EMAIL LOG

benedict@mac.com

CVSSW affidavit (IMPORTANCE HIGH!)

November 18, 2004

Sent 2:32 P.M.

Stephen,

In writing the affidavit to describe the prototype that was created in Oct. 1999  
**YOU MUST ALSO DESCRIBE THE BEST MODE FOR WRITING AND EXECUTING THE SOFTWARE CVSSW(TM).** This is governed by 35 U.S.C. Statute 112. Although the actual code (ALL) I consider a trade secret, if in the creation of the software you find out that the 'mouse event' operates best in a particular way, or the 'swing event' or the function for the hotspot is best as a 'step-function' then explain in detail these "best modes" for the writing & execution of the software. This is extremely important because it can invalidate the claims of the patent, if they are withheld from the application, so **PLEASE ADD THEM IF THEY ("BEST MODES") EXIST.** They act like "tricks of the trade," but in this event they would be tricks you found out as you progressed and completed the software CVSSW(TM). You can even list them simply as:

For Example:

## **BEST MODES (FOUND WHILE COMPLETING THE CVSSW(TM) SOFTWARE)**

1. I found that using JAVA, a step-function with a double x-axis (time, & frame-length/distance) and a y-axis of hotspot location (frame-height) to be a best mode for expressing the multifunctional hotspots in videos and digital media; CVSSW(TM).
- 2.
- .
- etc.

If You Have Any Questions Please Feel Free To Call,

Franz A. Wakefield  
President & Chief Product Design Engineer  
COOLTVNETWORK.COM, INC.  
17731 North West 14th Court  
Miami, Florida 33169  
Telephone: (305) + 624.3282  
FranzWakefield@hotmail.com

AppN : 09/877,729 (wakefield) GAU 2174 1 OF 1

**APP1 & REC6**

RECEIVED

**AFFIDAVIT OF EVENTS AND RECOLLECTION**

INCLUDES NOTARY SEAL

Patent Title: Method & System For Creating, Using, &  
Modifying Multifunctional Website Hotspots.

APPLICATION NUMBER: 09/877,729  
FILING DATE(S): JUNE 8, 2000 & June 8, 2001  
INVENTOR: FRANZ A. WAKEFIELD  
ART UNIT: 2174  
EXAMINER NAME : BORIS M. PESIN

Appn: 09/877,729 (WAKEFIELD) GAU 2174 1 OF 3

**AFFIDAVIT OF MR. STEPHEN A. BENEDICT**

I, Stephen A. Benedict, DECLARE UNDER PENALTY OF PERJURY THAT:

1. On or after approximately October 20, 1999, I created a software prototype after a conversation with Franz A. Wakefield. This prototype was a proof of concept to illustrate the ideas expressed during the conversation with Mr. Wakefield.
2. The proof of concept was written in the Java programming language. The proof of concept conveyed the experience of illuminated "hot spots" by compositing pastel-colored polygons onto a video during playback at a specified time for a specified interval.

**APP2 & REC1(PRIOR DATE)**

3. The proof of concept demonstrated that the interface could perform actions based on user interaction. For example, clicking a "hot spot" could launch a web browser with a predefined URL.
4. The proof of concept demonstrated that this functionality could be extended to perform specific actions based on the invocation context. For example, different URLs or actions could be launched based on whether the "hot spot" was single clicked, double clicked, or right clicked. As a result, the "hot spot" could appear as "multifunctional" to the user.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING  
STATEMENT IS TRUE AND CORRECT.

DATE: DECEMBER 3, 2004

SIGNED



MR. STEPHEN A. BENEDICT

NOTARIZED AFFIDAVIT OF MR. STEPHEN A. BENEDICT

STATE OF VIRGINIA

COUNTY OF FAIRFAX

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY

STEPHEN A. BENEDICT WHO IS PERSONALLY KNOWN TO ME

Appn: 09/877,729 (WAKEFIELD) GAU 2174 2 OF 3

OR HAS PRODUCED VA Drivers License AS IDENTIFICATION AND

WHO DID OR DID NOT TAKE AN OATH.

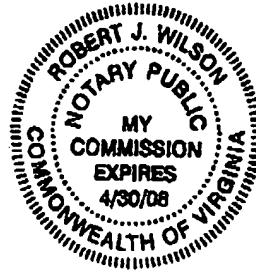
WITNESS MY HAND AND OFFICIAL SEAL

ON December 3, 2004.

Robert J. Wilson

NOTARY PUBLIC

STATE OF VIRGINIA.



MY COMMISSION EXPIRES April 30, 2008.

Appn: 09/877,729 (WAKEFIELD) GRU 2174 3 OF 3

## **AFFIDAVIT OF EVENTS AND RECOLLECTION**

Patent Title: Method & System For Creating, Using, &  
Modifying Multifunctional Website Hotspots.

APPLICATION NUMBER: 09/877,729  
FILING DATE(S): JUNE 8, 2000 & June 8, 2001  
INVENTOR: FRANZ A. WAKEFIELD  
ART UNIT: 2174  
EXAMINER NAME : BORIS M. PESIN

### **AFFIDAVIT OF MR. STEPHEN A. BENEDICT**

---

I, Stephen A. Benedict, DECLARE UNDER PENALTY OF PERJURY THAT:

1. I am Stephen A. Benedict, and I have a BS in Electrical Engineering from Florida A&M University, a MSE in Computer Science and Engineering from the University of Michigan, and an MBA from Harvard Business School. I was employed by Apple Computer from 1998 to 2002, where I held a number of software engineering and technical leadership roles.
2. On or after approximately October 20, 1999, I created a software prototype after a conversation with Franz A. Wakefield. This prototype was a proof of concept to illustrate the ideas expressed during the conversation with Mr. Wakefield.

**APP2 & REC1**

AppN : 09/877,729 (Wakefield) GAU 2174 1 OF 5



3. The proof of concept was written in the Java programming language. The proof of concept conveyed the experience of illuminated "hot spots" by compositing pastel-colored polygons onto a video during playback at a specified time for a specified interval, as shown below:

```
public class HotSpot extends TimerTask
{
    Movie          movie;
    boolean         isActive = false;
    boolean         isVisible = false;
    Rectangle       rect;
    int             start = 0, duration = 0;
    java.util.Timer startTimer = new java.util.Timer();
    java.util.Timer endTimer = new java.util.Timer();
    TwoDSprite      hotSpot;
    Compositor      compositor;

    HotSpot( Movie m, Rectangle r, int s, int d, Compositor c ) throws Exception
    {
        super();
        movie = m;
        rect = r;
        start = s;
        duration = d;
        compositor = c;

        File img = QTFactory.findAbsolutePath ("box.tif");

        GraphicsImporterDrawer gid = new GraphicsImporterDrawer (new QTFile(img));

        QDRect rect = new QDRect (
            gid.getDescription().getWidth(),
            gid.getDescription().getHeight());

        ImageSpec imageSpec = ImageUtil.makeTransparent (
            gid,
            QDColor.blue,
            new QDGraphics (QDGraphics.kDefaultPixelFormat, rect));

        Matrix matrix3 = new Matrix();

        matrix3.setTx(r.x);
        matrix3.setTy(r.y);

        hotSpot = new TwoDSprite(
            imageSpec,
            matrix3,
            true,
            8,
            new GraphicsMode (QDConstants.blend, QDColor.cyan));
    }
}
```

Appn : 09/877,729 (Wakefield) CAU 2174 2 of 5

```

public void activate()
{
    startTimer.schedule( (TimerTask)this, start, 10 );
}

public void run()
{
    try
    {
        TimeRecord      tr;
        float           currentTime = 0;

        isActive = true;

        if ( !isVisible )
        {
            setVisible( true );
        }

        tr = movie.getTRTime();

        currentTime = ((float)movie.getTime() / (float)tr.getScale()) * 1000;

        if ((float)currentTime >= start + duration )
        {
            isActive = false;

            setVisible( false );

            startTimer.cancel();
        }
    }
    catch (Exception e)
    {
    }
}

public void setVisible( boolean setVisible ) throws Exception
{
    if ( setVisible )
        compositor.addMember(hotSpot,1);
    else
        compositor.removeMember(hotSpot);

    isVisible = setVisible;
}
}

```

Appn: 09/877,729 (wakefield) GAU 2174 3 of 5

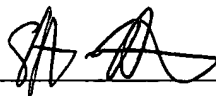
4. The proof of concept could perform actions based on the user's action. For example, clicking a "hot spot" could launch a web browser with a predefined URL.

5. The proof of concept demonstrated that this functionality could be extended to format the URL or perform another action based on the invocation context (single click, double click, right click, etc.). As a result, the "hot spot" appeared as "multifunctional" to the user.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING  
STATEMENT IS TRUE AND CORRECT.

DATE: JANUARY 4, 2005

SIGNED



MR. STEPHEN A. BENEDICT

NOTARIZED AFFIDAVIT OF MR. STEPHEN A. BENEDICT

STATE OF VIRGINIA

COUNTY OF FAIRFAX

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY

STEPHEN A BENEDICT WHO IS PERSONALLY KNOWN TO ME

OR HAS PRODUCED VA DRIVERS LICENSE AS IDENTIFICATION AND

Appn: 09/877,729 (Wakefield) GAU 2174 4 OF 5

WHO DID OR DID NOT TAKE AN OATH.

5 OF 5

WITNESS MY HAND AND OFFICIAL SEAL

ON JAN. 4, 2005.

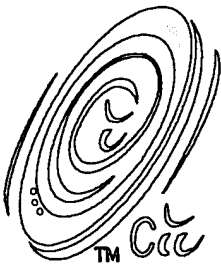
Robert G. White

NOTARY PUBLIC

STATE OF VIRGINIA.

MY COMMISSION EXPIRES 4/30/2008.

AppN: 09 / 877, 729 (Wakefield) GAU 2174



## AGREEMENT

THIS AGREEMENT is entered into the effective this 6<sup>th</sup> day of Nov, 2000 by and between COOLTV Network, Inc., a business having an address of 17731 NW 14<sup>th</sup> Court, Miami, FL 33169 (hereinafter referred to as "OWNER"), and Stephen Benedict, an individual having an address of 7915 Sunkist Drive Oakland, California 94605 (hereinafter individually and collectively referred to as "PROGRAMMER").

### WITNESSETH

WHEREAS, OWNER has undertaken the design, the coding, and the description (flowcharts, and written descriptions) of software (CLICKVideoShop™) related work (hereinafter "WORKS"); and

WHEREAS, PROGRAMMER has assisted in the preparation of source code, flowcharts, and written descriptions and is being contracted to prepare and/or continue assisting in the preparation of additional coding (source code & object code) and descriptions (flowcharts, diagrams, and written descriptions) related to said WORKS (hereinafter "SOFTWARE WORK") related to said WORKS and is willing to work on and prepare software based on and/or related to said WORKS under a "work made for hire" agreement as that term is defined by the United States copyright laws, under the full control of OWNER;

\_\_\_\_\_

1. PROGRAMMER and OWNER acknowledge that the SOFTWARE WORK is being created under the direction and control of OWNER, and agree that the SOFTWARE WORK shall be deemed a work made for hire by an independent contractor under the United States copyright laws (17 U.S.C. 101) and, by virtue of this agreement, is the sole property of OWNER free and clear from all claims of any nature relating to PROGRAMMER's contributions and other efforts, including the right to copyright the work in the name of OWNER and proprietor thereof and any termination rights thereto. PROGRAMMER understands and agree that OWNER owns all right, title, and interest in the "SOFTWARE WORK," including but not limited to any part and/or parts thereof and derivative works arising therefrom, and has the right to register all copyrights and/or patents therein in its own name, as OWNER, in the United States of America and in all foreign countries.

2. PROGRAMMER agrees that OWNER shall have the unlimited right to supervise and control PROGRAMMER and to direct PROGRAMMER during the creation of the SOFTWARE WORK. OWNER shall have the right to use the whole SOFTWARE WORK, any part or parts thereof, or none of the SOFTWARE WORK, as sees fit. OWNER may alter the SOFTWARE WORK, add to it, or combine it with any other SOFTWARE WORK or SOFTWARE WORKS, at its sole direction. Notwithstanding the foregoing, all original material submitted by OWNER to PROGRAMMER as part of the SOFTWARE WORK or as part of the process of creating the SOFTWARE WORK, including but not limited to previously prepared documentation, verbal descriptions, notes and any material aiding in the preparation of the SOFTWARE WORK, shall be the property of OWNER whether or not OWNER uses such material.

APP2 & REC2

Appn : 09/877,734 (Wakefield) GAN 2174 1 OF 2

PROGRAMMER, after the performance of its services under this agreement, shall return all such original materials and copies thereof, and PROGRAMMER shall have no right to make any other use of this material and/or SOFTWARE WORK.

3. The parties to this agreement intend that OWNER shall have full ownership of the SOFTWARE WORK with no rights of ownership in PROGRAMMER. PROGRAMMER agrees that in the event this agreement is determined by a court of competent jurisdiction not to be a work for hire under the federal copyright laws, this agreement shall operate as an irrevocable assignment by PROGRAMMER to OWNER of the copyright and/or patent rights in the SOFTWARE WORK including all rights there under in perpetuity. Under this irrevocable assignment, PROGRAMMER hereby assigns, and/or shall assign to OWNER the sole and exclusive right, title, and interest in and to the SOFTWARE WORK, without further consideration, and agrees to cooperate with OWNER, if need be, in OWNER'S efforts in registering and from time to time enforcing all copyrights and/or patent rights and other rights and protections relating to the SOFTWARE WORK in any and all countries. It is PROGRAMMER's specific intent to assign all rights, title, and interest whatsoever in any and all copyright right in the aforesaid SOFTWARE WORK, in any media, and for any purpose, to OWNER including all rights of renewal and extensions.

4. In the event OWNER shall bring an infringement suit against any third parties or shall be sued by any third parties as a result of PROGRAMMER's ownership of the SOFTWARE WORK, PROGRAMMER agrees to reasonably cooperate with OWNER in defending against or prosecuting any such suit. This right shall be cumulative to any other rights of OWNER hereunder. PROGRAMMER shall keep all trade secrets (i.e. any known business information related to said SOFTWARE WORK) of OWNER confidential and shall not knowingly disclose, relate or describe the SOFTWARE WORK or trade secrets related thereto to any third party, individual, corporation or other business entity or market, sell or commercially use in any way the SOFTWARE WORK. PROGRAMMER shall have reasonable efforts to protect the confidential nature of said SOFTWARE WORK. PROGRAMMER shall have no obligation with respect to any disclosure which (1) is independently developed by PROGRAMMER without the benefit of OWNER's WORKS, SOFTWARE WORK and materials related thereto or regarding SOFTWARE WORK which has been unintentionally disclosed prior to negotiating the Agreement, (2) is publicly known or becomes publicly known not through the wrongful act or breach of this Agreement by PROGRAMMER or (3) is rightfully received by PROGRAMMER from a third party on a nonconfidential basis prior to this Agreement.

5. PROGRAMMER agrees that it shall not, at any time hereafter, dispute or contest, either directly or indirectly, OWNER's exclusive right, title, and interest in the SOFTWARE WORK.

6. PROGRAMMER warrants that the material in the SOFTWARE WORK prepared or provided by PROGRAMMER is original and does not infringe the rights of any other work.

7. The terms and provisions of this agreement shall be binding upon the parties and their heirs, legal representatives, successors, and assigns.

8. This agreement shall be governed by the laws of the state of Florida and the parties hereby agree that jurisdiction and venue over any dispute arising under this agreement shall be in the Southern District of Florida.

9. This agreement constitutes the entire understanding between the parties hereto. This agreement, including this paragraph, may be amended or modified only by an instrument in writing signed by both of the parties hereto or their authorized representatives.

This agreement is executed by the parties hereto.

Date: 16/06/00

PROGRAMMER

Mr. Stephen Benedict

Date: 10/6/00

OWNER

Mr. Frank A. Wakefield

Appn: 09/877,729 (Wakefield) GAU 2174 2 OF 2

# AFFIDAVIT OF EVENTS AND RECOLLECTION

Patent Title: Method & System For Creating, Using, &  
Modifying Multifunctional Website Hotspots.

APPLICATION NUMBER: 09/877,729  
FILING DATE: JUNE 8, 2001  
INVENTOR: FRANZ A. WAKEFIELD  
ART UNIT: 2174  
EXAMINER NAME: JORDAN S. GOLINKOFF

## AFFIDAVIT OF MR. MATTHEW B. HINTZE

I, Matthew Hintze, DECLARE UNDER PENALTY OF PERJURY:

1. I AM Matthew Hintze, AND I AM a Finance Ph. D Candidate and Freelance business plan writer. In addition, my firm TutoringZone administers a business plan competition in conjunction with UF's Center for Entrepreneurship and Innovation
2. In August, 1999 I met with the inventor to assist in the writing of a business plan for CoolTVNetwork.com. Specifically, my services were required to assist in drafting the financial projections. Over the course of several weeks, Mr. Wakefield explained the nature of his invention (which at the time was in the development phase, and had not yet reached the point of being tested). There was no working model at the time, but Mr. Wakefield elaborated on his vision for the technology.

Mr. Wakefield conceived of an entertainment web portal that would have content including commercials, athletic achievement-oriented video clips, etc. Mr. Wakefield proposed a technology, with the working title "CLICKVIDEOSHOP" that would 'illuminate' various material aspects within the video frame. For example, a video clip of the Master's might show Phil Mickelson making a putt on the 18<sup>th</sup> hole, and his putter would illuminate...this would invite the viewer to learn more about the putter (manufacturer, etc.) and click on the illumination to initiate a purchase. I strongly encouraged Mr. Wakefield to pursue this technology, as I believed it would be the driving factor in his pursuit of investors. Patentable technology has a much greater appeal than content-based web portals. At that time, Mr. Wakefield concurred and avowed his intentions to

APP2 & REC3

Appn: 09/877,729 (Wakefield) GAU 2174 1 OF 2

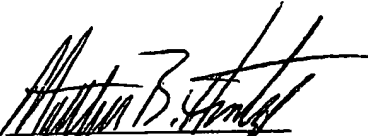
develop a working model and pursue a patent. I believe he was working with a team of developers at the time; however, I do not have specific knowledge as to their identity or scope of their work.

Until this past week, I have not had contact with Mr. Wakefield. It was my understanding that he was continuing to work on the technology after having moved to South Florida. I have continued with my own venture in Gainesville. I can not attest to any events that may or may not have occurred since that time.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENT AND/OR ATTACHEMENTS ARE TRUE AND CORRECT.

DATE: April 12, 2004

SIGNED

  
Mr. Matthew B. Hintze  
Owner, TutoringZone LC

NOTARIZED [AFFIDAVIT OF MR. MATTHEW B. HINTZE].

STATE OF FLORIDA  
COUNTY OF

Alachua

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY Matthew B. Hintze WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED FDS AS IDENTIFICATION AND WHO DID OR DID NOT TAKE AN OATH.

WITNESS MY HAND AND OFFICIAL SEAL  
ON 4-12-04

NOTARY PUBLIC  
STATE OF FLORIDA

MY COMMISSION EXPIRES:



Frederick E. Sengert, IV  
MY COMMISSION # CC990392 EXPIRES  
February 8, 2005  
BONDED THRU TROY FAIR INSURANCE, INC.

Appn: 09/877,729 (Wakefield) GAU 2174 2 of 2



# AFFIDAVIT OF EVENTS AND RECOLLECTION

Patent Title: Method & System for Creating, Using, & Modifying  
Multifunctional Website Hotspots

APPLICATION NUMBER: 09/877,729  
FILING DATE: JUNE 8, 2001  
INVENTOR: FRANZ A. WAKEFIELD  
ART UNIT: 2174  
EXAMINER NAME : JORDAN S. GOLINKOFF

## AFFIDAVIT OF MR. MATTHEW B. HINTZE

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APP2 & REC4

App Number: 09/877,729 (Wakefield) GAU 2174 10'

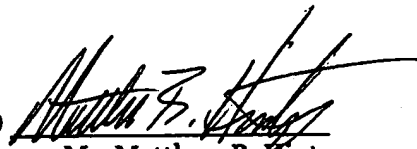
develop a working model and pursue a patent. I believe he was working with a team of developers at the time; however, I do not have specific knowledge as to their identity or scope of their work.

Until this past week, I have not had contact with Mr. Wakefield. It was my understanding that he was continuing to work on the technology after having moved to South Florida. I have continued with my own venture in Gainesville. I can not attest to any events that may or may not have occurred since that time.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENT AND/OR ATTACHEMENTS ARE TRUE AND CORRECT.

DATE: April 12, 2004

SIGNED



Mr. Matthew B. Hintze  
Owner, TutoringZone LC

NOTARIZED [AFFIDAVIT OF MR. MATTHEW B. HINTZE].

STATE OF FLORIDA

COUNTY OF Citachua

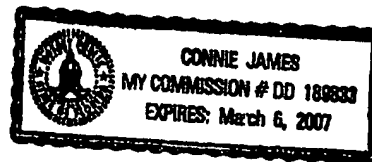
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY Matthew Hintze WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED FI 1d. AS IDENTIFICATION AND WHO DID OR DID NOT TAKE AN OATH.

WITNESS MY HAND AND OFFICIAL SEAL  
ON April 21st 2004.



NOTARY PUBLIC  
STATE OF FLORIDA

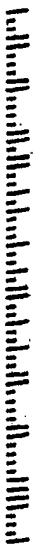
MY COMMISSION EXPIRES: March 6, 2007



Appn Number : 09 / 877, 729 (Wakefield) GAU 2174-2

**TutoringZone, L.C.**  
619 N.E. 1st St  
Gainesville, FL 32601

32608 PM 1 21 APR 1964 GAINESVILLE FL



## Agreement to Maintain Confidentiality

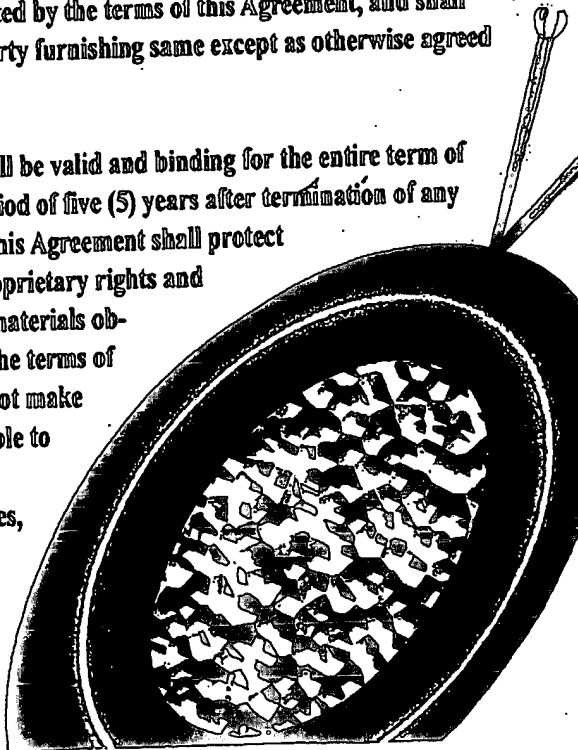
This Agreement is between CoolCommercials.com, Inc. a Florida Corporation and MATTHEW HINTZ, both acknowledged parties to this Agreement by their signatures that appear below:

This Agreement is made by the parties in order to protect certain confidential matters that either party here to may find necessary to share, or for one to disclose to the other in the course of joint business endeavors, pursuit of business opportunities, or in connection with work for hire. It is effective when signed by both parties and on the latest date where different dates are given. The parties further agree that all matters arising between them, whether or not they are reduced to writing, or whether or not such matters are reduced to physical or characteristic representations in print or in electronic form, are subject to this Agreement.

Now, therefore, the parties agree as to the following items:

Item 1 : Both parties acknowledge and agree that any physical information supplied by one party to the other party, under this Agreement, which consists of confidential proprietary information and trade secrets shall be identified by the party supplying same and marked as CONFIDENTIAL. Such information shall be used only as expressly permitted by the terms of this Agreement, and shall remain the property of the party furnishing same except as otherwise agreed to herein.

Item: 2 : This Agreement shall be valid and binding for the entire term of the engagement and for a period of five (5) years after termination of any engagement. The parties to this Agreement shall protect and preserve each other's proprietary rights and all confidential matters and materials obtained while engaged under the terms of this Agreement. They shall not make confidential materials available to any person, agency, or any organization, for any purposes, other than to employees and agents that have a need to know, and for the limited purposes required in carrying out an assign-



APP2 & REC5

Appx Number 09/877,789 (Wakafie) 1 OF 2

Item 3: Excluded from the obligation of item 2 above, is information:

- (a.) Which is made publicly available or becomes available through the acts of CoolCommercials.com, Inc;
- (b.) Which as of the date of this Agreement, is already in the possession of either party from sources other than CoolCommercials.com, Inc.
- (c.) Which is hereafter rightfully obtained by the parties to this Agreement, from third parties without any binder of secrecy.

Item 4: The parties agree that the specific matters and details of the nature of the temporary assignment or work for hire being performed pursuant to this Agreement are held to be confidential matters between the parties alone.

Remedies: The parties agree that, in the event of a breach or threatened breach of the terms of this Agreement, CoolCommercials.com, Inc. shall be entitled to an injunction in addition to and not in lieu of any other legal or equitable relief including money damages. The parties acknowledge that Confidential Information is valuable and unique and that disclosure will result in irreparable injury to CoolCommercials.com, Inc.

Disclaimer: This Agreement and the disclosure and receipt of Confidential Information do not create or imply (i) any agreement with respect to the sale, purchase or pricing of any product or service; or (ii) any right conferred, by license or otherwise, in any Confidential Information or in any patent, trademark, service mark, copyright or other intellectual property.

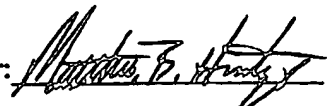
For: CoolCommercials.com, Inc.

  
Franz A. Wakefield, President

Date

9/4/99

For:

  
Matthew B. Hunter  
Printed name and title

Date

September 4, 1999

Appn Number 09/877, 729 (Wakefield) GAU  
2 OF 2

GAU  
(Wakefield)  
1 OF 1  
Appn Number 09/877,729

## EDUCATION AND PROFESSIONAL CREDENTIALS

University of Florida, Ph. D Candidate in Finance: Gainesville, Florida, May 2001.

- Marshall Criser Presidential Scholar for the College of Business Administration: The most prestigious fellowship awarded to graduate students at the University. Awarded to 15 among roughly 10,000 eligible students. Criteria for selection to include GPA, standardized test scores and recommendation by faculty and former professors.
- Research concentrations: Venture Capital, Financial Markets, Corporate Finance, Mergers and Acquisitions.
- Coursework to include Econometrics & Statistics, Information Economics and Financial Theory.

University of Florida, Master of Business Administration: Gainesville, Florida, May 1997.

- Specialization: Finance GPA: 4.0
- Course work concentrations: Corporate Finance, Global and Domestic Capital Markets, Entrepreneurship.
- Successfully completed Entrepreneurship program and was selected as a finalist in business plan competition.

University of California, Los Angeles, Bachelor of Arts: Los Angeles, California, June 1993.

- Major: Business/ Economics GPA in Major: 3.85 Overall GPA: 3.53 Cum-Laude Honors, Dean's List Four Quarters
- Course work concentrations: Financial Markets, Accounting, Public Finance, Macroeconomics, Theory of the Firm.
- College Honors Program: Participation open to top 10% of entering class. Successful completion based on high overall GPA, enrollment in honors coursework, and research with nationally renowned faculty members.
- Honors Research concentrations: Macroeconomic Business Cycles and Labor Market Wage-Rate Discrimination.

## PROFESSIONAL EXPERIENCE

Universal Commodity Corporation, Research Analyst: Fort Lauderdale, Florida, August 1995-June 1996.

- Directly responsible for delivering timely market research and key financial data to brokers for use at sales meetings.
- Produced comprehensive yet succinct research updates for broker use and client distribution, and updated charts on options contracts by effectively analyzing moving averages, relative strength indicators, and other key indicators.
- Contributed to 65% growth in commission revenues through timely research, analysis and communication.

Dean Witter Reynolds Inc., Account Executive: Lighthouse Point, Florida, May 1994 -August 1995:

- Ranked in top 25% of new brokers, based on assets under management, gross commissions and opening new accounts.
- Effectively managed a \$4 Million portfolio of investments, with assets in both the equity and fixed income markets.
- Promoted to branch Taxable Fixed Income coordinator, for effectively communicating a thorough knowledge of the bond market, after designing and implementing an innovative and successful seminar campaign.

Library At Home, Management Consultant: Santa Monica, California, August 1993 -May 1994.

- Authored business plan, met with potential investors, and assisted in raising \$1.2 million in venture capital.
- Participated in all start-up operations, activities to include capital budgeting, staffing and contracting with suppliers.
- Exceeded First Quarter revenue goals by 150% by effectively implementing a successful marketing campaign.

## HONORS AND ACTIVITIES

- UCLA Speech and Debate Team, 1993 National Collegiate Champions.
- University of Florida MBA Management Case Competition Team.
- UCLA Alpine Ski Team, 1993 Most Improved Racer.
- Zeta Psi, National Fraternal Organization, member June 1991 to June 1993. 1991-1992 Social Director.
- Junior Achievement Education Counselor, Westwood Middle School and Littlewood Elementary School.
- Winner of seventeen high school speech competitions, California state runner-up in 1989 VFW Competition.

## COMPUTER KNOWLEDGE

- IBM, Macintosh, Microsoft Office Professional (Word, Excel, PowerPoint), Statistical Packages (SAS, TSP, Stata), Database Applications (CRSP, Compustat, SDC Platinum), Internet Applications (Microsoft Front Page).

(54) SYSTEM AND METHOD AND LINKING  
INFORMATION TO A VIDEO

WO 97/31497 10/1997 ..... 1104N/7/58

## OTHER PUBLICATIONS

(75) Inventors: Eliezer Efrat, Tel-Aviv (IL); Avner  
Pezag, Ramat-Hasharon (IL); Yosef A.  
Hermesh, Tel-Aviv (IL); Eyal Pezag,  
Tel-Aviv (IL); Eshanan A. Barzavstein,  
Tel-Aviv (IL)

(73) Assignee: Veon Ltd., Herzliya (IL)

(°) Notice: Subject to any disclaimer, the term of this  
patent is extended or adjusted under 35  
U.S.C. 154(b) by 0 days.

(21) Appl. No.: 02/832,912

(22) Filed: Jun. 25, 1997

## Related U.S. Application Data

(60) Provisional application No. 60/024,666, filed on Jul. 26,  
1996.(51) Int. Cl.<sup>7</sup> ..... G03G 5/00; G06F 3/14

(52) U.S. Cl. .... 345/723; 345/726; 345/853

(58) Field of Search ..... 345/328, 327,  
345/335, 339, 348, 357, 972, 723-726,  
853-854; 707/501, 513

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tation of ASSET-2", U.K. Defence Research Agency, 12 p.  
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oper Network CD-ROM, 14 p. (Jul. 1994).  
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and Object Tracking", DRA Technical Report TR95SMS2,  
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"Visual Shock Create and Gather", Mitsubishi Electric  
America, Inc., (1998) <http://www.visualshock.com/visualshock/va/va-a.htm>.  
Feinleib, D.A., "AVI Files with Hotspots", Microsoft Net-  
work Developers CD-ROM, 1-13 p., (Aug. 16, 1993).  
Blumman, H., et al., in: *Ad Oculis—Digital Image Pro-  
cessing, Student Version 2.0*, International Thomson Pub-  
lishing, London, p. 170-175 (1995).

(List continued on next page.)

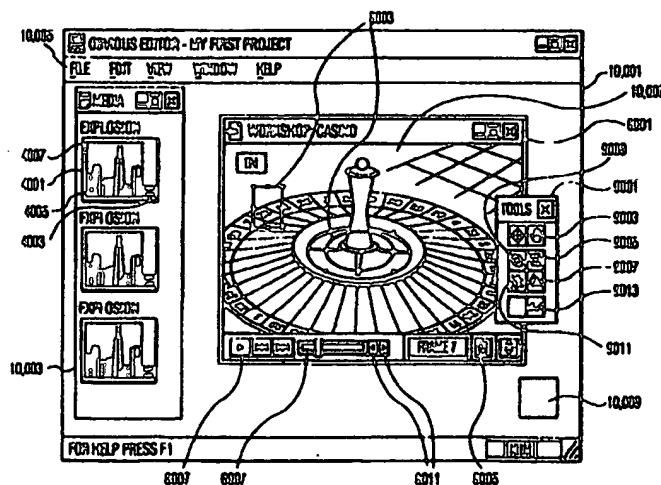
Primary Examiner—Sy D. Lau

(74) Attorney, Agent, or Firm—Edward Blocher

## (57) ABSTRACT

A system and method are provided for linking information  
to and accessing information from a video. A hotspot can be  
defined in a frame of a video. The hotspot can be tracked in  
other frames of the video. Also, the hotspot can be linked to  
a target. When the video is played, the hotspot can be  
activated and the corresponding target executed.

65 Claims, 16 Drawing Sheets



**[54] DYNAMIC GENERATION OF CONTEXTUAL LINKS IN HYPERTEXT DOCUMENTS****[75] Inventors:** Damon M. Horowitz; Earl F. Remanson; Joseph W. Ruftes; Leo S. Strausfeld, all of San Francisco, Calif.**[73] Assignee:** Perspecta, Inc., San Francisco, Calif.**[21] Appl. No.:** 09/031,693**[22] Filed:** May 19, 1998**[51] Int. Cl.:** G03F 17/21**[52] U.S. Cl.:** 707/513; 707/3; 707/5;  
707/514; 707/531**[58] Field of Search:** 707/3, 10, 513,  
707/531, 514, 5, 201**[56] References Cited****U.S. PATENT DOCUMENTS**

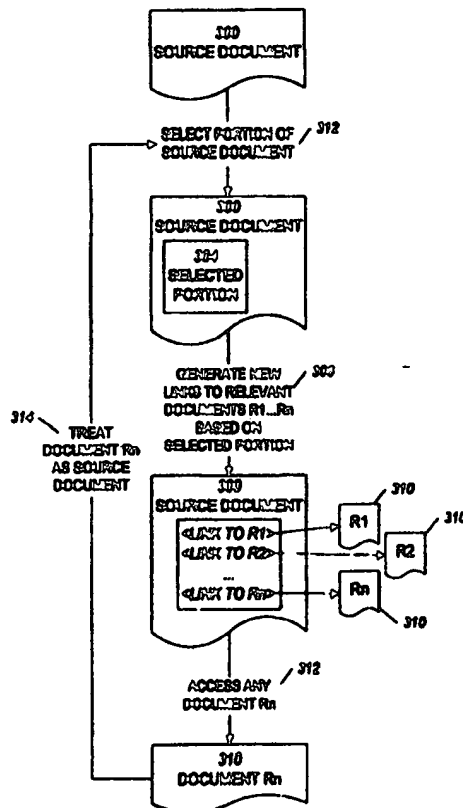
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5,920,859	7/1999	Li	707/5
5,987,460	11/1999	Niwa et al.	707/6
6,006,242	12/1999	Peole et al.	707/531

Primary Examiner—Jean R. Homere  
Attorney, Agent, or Firm—Fenwick & West LLP

13 Claims, 10 Drawing Sheets

**ABSTRACT**

A system, method, and software product create contextual hypertext links relevant to a user selected portion of a source document. The contextual links enable the user to dynamically associate the source document with any available target document, regardless of whether links were created between the source document and the target document when the source document was created. The method includes selecting terms relevant to the user selected portion by linguistic analysis which selects the most frequently occurring terms. From the selected terms target documents relevant to the selected terms are identified. The target documents are selected by identifying topics that are associated with, or described by, the selected terms. Contextual links are created between the selected terms and target documents associated with the identified topics using the URLs for the documents in the contextual links. The system includes a knowledge base of topics, including hierarchical relations between topics, and associations of topics and terms. A document collection includes documents and references to documents, and URL or other addressing information for the documents. A tagging module receives a user selected portion and selects terms to be used for the contextual links. A presentation module identifies the topics in the knowledge base associated with the selected terms, the documents associated with each topic, and creates the hypertext links between the terms and the documents.



APP3 &amp; REC2

Appn: 09/877,729 (Wakefield) GAU 2174 2 OF 2



David Javelosa

javelosa\_david@smc.edu

sec #1990, Thurs 9:00-12:05

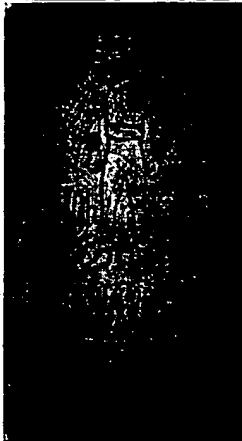
John Bechtel

bechtel\_john@smc.edu

sec #4280, Wed 6:30-9:35

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unless otherwise stated.

## week 02 -



his Difference



1821 -- Charles Babbage invented the Difference Engine to compile mathematical tables. On completing it in 1832, he conceived the idea of a better machine that could perform not just one mathematical task but any kind of calculation. This was the Analytical Engine (1856), which was intended as a general symbol manipulator, and had some of the characteristics of today's computers. Critical tolerances required by his machines exceeded the level of technology available at the time. The British government suspended funding for Engine and ended the project in 1842.

1945 -- Vannevar Bush proposes the concept for the Memex in an [article in Atlantic Monthly](#). He conceived the Memex as "memory extension" system that was designed to work like the human thought process, permitting associations between different sets of information. He felt that traditional publishing systems were rigid and unable to full represent knowledge. Significantly, this system was both an "authoring" and a viewing system.

1961 -- [Phillips](#) introduces the audio Cassette.

1962 -- Ivan Sutherland demonstrates the Sketchpad, an electronic drawing program, that first shows the use of a Graphical User Interface. Sutherland later plays a major roll in the development of computer graphics.

1964 -- [Douglas Engelbart](#) and William English invent the mouse at Stanford Research Institute (SRI). His ideas grew out of a concept for the "augmentation of man's intellect." Also, Marshal McLuhan publishes *Understanding Media: The Extensions of Man*, introducing the phrase "the medium is the message," and discussing "The Global Village".

1965 -- Ted Nelson coins the term "hypermedia," to describe computer mediated systems to work with linked text, images, animations, and sounds.

1967 -- Led by [Ken Kesey and the Merry Pranksters](#), the [The Grateful Dead](#), Jefferson Airplane and other San Francisco bands conduct "Acid Tests" where live music is combined with projections, lighting effects, and drugs to create an immersive experience. [Yoko Ono](#) with other members of the [Fluxus](#) movement challenged traditional notions of art being separate and official, and created events where transitory art existed only through the combination of the artist's work with the audience. During this period, the term [Multimedia](#) was used to describe presentations that used film, video, music, synchronized slide projectors, dance and any other media the artists could get their hands on.

1968 -- Alan Kay builds a cardboard model of the "Dynabook", a portable computing device he imagined could be used by children to create and access text and pictures. This system would be linked to other Dynabooks and library resources. [Douglas Engelbart](#) demonstrates a working computer with a mouse, graphical display and most of the features considered standard on today's computers.

1971 -- Alan Kay and Dan Ingalls develop a computer language called "Smalltalk" at Xerox's research center in Palo Alto called [PARC](#). This language is based on the concept of "object oriented programming" (OOP), where objects are defined to each have their own behavior, communicating with each other by sending messages.

1972 -- [Atari](#) introduces the arcade game, Pong, and Magnavox introduces the first home video game called Odyssey. [The video game industry is born.](#)

1973 -- Chad Thacker and others develop the ALTO workstation at PARC. This computer was the first "desktop" computer

APP4 & REC1

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designed for non-technical people to do word processing, email, graphics, and other applications. This computer had a graphical user interface on a "bitmapped" screen, used a mouse, icons, and windows. The researchers at PARC invented a whole system for the office, including the Ethernet networking system.

1975 -- A company called MITS introduced the first affordable "personal" computer called the Altair. The Homebrew Computer club is thriving in Silicon Valley. Sony introduces the Betamax VCR. Atari releases arcade game "Breakout" designed by Apple co-founder Steve Jobs.

1976 -- JVC introduces the VHS VCR.

1977 -- Apple introduces the Apple II, the first mass market personal computer. Atari releases the 2600, a dedicated home game computer.

1978 -- Philips introduces the LaserDisc. The Aspen Movie Map is developed by Andrew Lipman and his group at the MIT Architecture Machine Group, using a computer to control video, text, and sound.

1980 -- Atari introduces PacMan coin-operated video game machines.

1981 -- IBM introduces the IBM PC with Microsoft's DOS.

1982 -- 16-bit vector graphic technology appears in the arcades with Williams' Defender and Atari's Tempest. Atari's Battle Zone is selected by the Pentagon to be developed into the first virtual reality military simulator. Home video game market crashes.

1983 -- Philips and Sony introduce the CD.

1984 -- Using ideas from Xerox PARC, Apple introduces the Macintosh, the first consumer computer with a GUI. William Gibson publishes Neuromancer, and invents the term Cyberspace.

1985 -- Philips and Sony introduce the CD-ROM standard. Intel releases a chip powerful enough for **multimedia**, the 386.

1987 -- Apple introduces HyperCard, a general purpose **multimedia** authoring and playback system developed by Bill Atkinson. MacroMind releases the first version of Director. Apple announces the color Mac II

1988 -- Jaron Lanier's company, VPL introduces the Data Glove, an interface for Virtual Reality.

1989 -- Voyager publishes (on floppy!) the first of its Expanded Books series. These electronic books use HyperCard to provide images, links, and bookmarks for classic books. NewTek releases the Video Toaster, an Amiga based video editor. SoundBlaster is released as the first mainstream audio standard for the PC.

1990 -- Microsoft introduces Windows 3.0 with **multimedia** extensions. Adobe releases Photoshop and Autodesk releases 3D Studio. Voyager publishes **Multimedia** Beethoven on CD-ROM integrating hypertext, graphics and CD quality music examples.

1991 -- Philips and Sony introduce Compact Disc Interactive (CDi), a **multimedia** system for the consumer. They ultimately invest \$1 billion in the development and introduction of this system. Tim Berners Lee introduces the WWW. Quicktime brings video to the user's desktop computer. Adobe introduces Premier video editing software.

1992 -- The Residents publish Freak Show, a richly illustrated music CD-ROM. The Sega CD is released being the first consumer set-top box with a CD-ROM (attached to the 16-bit Genesis).

1992 -- The video compression standard called MPEG I is finalized, making the delivery of video and audio in digital systems practical.

1993 -- Double-speed CD-ROM becomes standard. The 3DO "multiplayer" is released. The Mosaic web browser brings a better GUI to the net. Two landmark computer games accelerate the game industry's dominance: MYST and DOOM. Atari releases the Jaguar a "64bit" game machine using two 32bit processors.

1995 -- Microsoft introduces Windows 95. Sun Microsystems gives web programming a boost with Java.

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1996 -- Nintendo introduces the N64, the first true 64bit cartridge game machine, based on SGI technology.

1997 -- Philips, Sony, Toshiba and Panasonic introduce the DVD standard, based on MPEG II. Microsoft introduces DirectX, a technology that allows PC games to address the hardware directly in Windows, standardizing game development for the PC.

1998 -- The Internet establishes itself as a true **multimedia** delivery platform with the speed of DSL and the wide popularity of the MP3 music/audio format. The vast growth in cellular phones and hand-held devices and game machines makes **multimedia** portable.

1999 -- MPEG-4 standard was finalized at the end of 1999. This standard provides an integrated format for all kinds of media: "The MPEG-4 standard addresses the coded representation of both natural and synthetic (computer-generated) audio and visual objects. MPEG-4 Systems was developed to provide the necessary facilities for specifying how such objects can be composed together in an MPEG-4 terminal to form complete scenes, as well as how they should be multiplexed for transmission or storage. The term terminal is used here in a generic sense, and of course includes computer programs hosted on general purpose computers." The Sega Dreamcast is released on 9/9/99 and is

the first game console to ship with an internal modem, supported by Sega.net.

2000 -- Sony introduces the Playstation2. This game machine's features combine almost all the elements of **multimedia** to date. It has a DVD player, extremely high speed graphics (66 million polygons/sec) and audio rendering (up to 48 channels) capabilities.

2001 -- Microsoft introduces the X-Box and Nintendo introduces the Game Cube (fall), each with capabilities exceeding the Playstation 2. Features for the X-box include modem and internal hard-drive. The Game Cube features a proprietary 3" CD format and linking to the Game Boy Advance hand-held.

2002 -- Continued advances in portable computing, cellular internet connection, multiplayer gaming, and next-generation titles. With the dot.com crash fading into **history**, both console and on-line gaming continue to grow with advances in graphics and hardware applications. Apple adds DVD authoring to digital video editing on the desktop with iDVD.

2003 -- Nokia announces the N-gage, first to address the mobile phone gaming industry by creating a game machine that is a phone. Nvidia delivers gForce graphic technology allowing real-time animation quality graphics for games.

2004 -- Sony plans to announce both the Playstation 3 and a new hand-held system that reports to be a new way of delivering entertainment media. Microsoft is also planning for the release of the X-Box 2. Apple is also riding high on the enormous success of the I-pod, a computer dock-able, portable MP3 player. Other companies are flooding the market with competing products. Wy-fi and Airport technologies are bringing wireless Internet hubs to many coffee shops and other locations where users gather in public.

Sources: Understanding HyperMedia 2.000, Internet research

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# Universal Station Specification and Technical Data

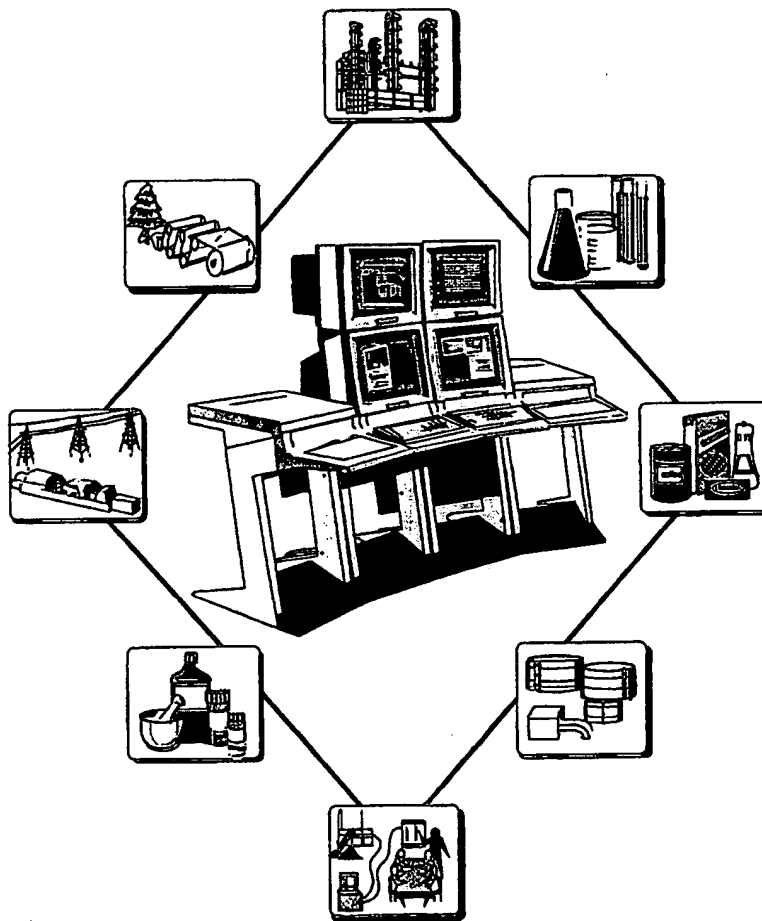
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APP5 & REC1

TotalPlant

- Perform Overview and Group edit functions.
- Initiate other system functions.

### Plant Process Displays

The hierarchy of the process display types is shown in Figure 4. Included are Honeywell-provided standard displays as well as user-built graphic displays. These displays provide information to the process operator and permit changes to parameters in the process area for which the operator is responsible. The terms area, unit, group, and detail refer to increasing levels of detail as follows:

- **Area Displays** summarize the operating condition and trends of the data points that make up the area assigned to the station.
- **Unit Displays** summarize the operating condition and trends of the discontinuous and continuous operations in the units (subdivisions of areas) assigned to the current area.
- **Group Displays** show values and status for up to 8 data points that form a group, display trends within the group, or present status and sequence information for process modules.
- **Detail Displays** present all of the operating parameters and limits for individual data points and process modules.

### Operating Displays

The primary operating displays include the Group, Detail, and user-built Graphic Displays. An Overview Display is also available.

Up to 400 operating Group Displays can be defined, each of which can contain parameters and action targets for up to 8 data points. A given data point can appear in any number of groups. See Figure 5.

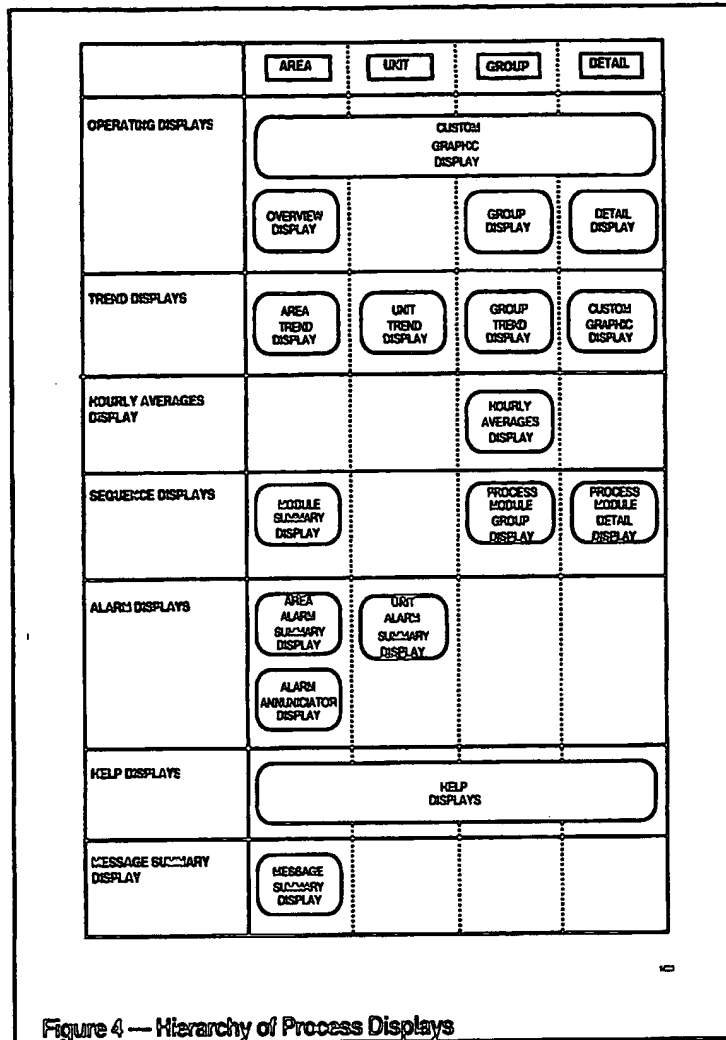


Figure 4 — Hierarchy of Process Displays

The **Detail Display** presents detailed information for a single data point (Figure 6).

- 2 Perhaps the most powerful of all operating displays are the **Custom Graphic Displays** (Figures 7 and 8), which are designed by the user and, therefore, can be based on concepts and practices that are unique to the user's plant. They can contain graphic, textual, behavioral, and trend information and represent a whole area, a unit, or a single point. Graphics can be linked to many of the standard process displays and can themselves have targets that allow cursor selection of other graphics or standard displays.

They can be used to make changes in process parameters, they can be used for control, and alarms can be displayed in a variety of ways. Because they can be stored on History Modules, cartridge disks, and floppy disks as well as in Universal Station memory, the total number of Graphic Displays that are available to the operator can be virtually unlimited. In addition, Graphic Displays can be duplicated on separate HMs, providing disk redundancy for critical displays.

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- 1 Graphic displays can be built so that the operator can monitor and manipulate the process directly from them. Both continuous and discontinuous processes can be managed from graphic displays. Basically, any data point parameter or sequence can be monitored and manipulated from any graphic display.
- 2 Graphic behaviors such as blinking, color changes, bar graphs, appearance of subpictures, and numeric values can be controlled by parameters of data points. Additionally, process alarms can be acknowledged from graphic displays.

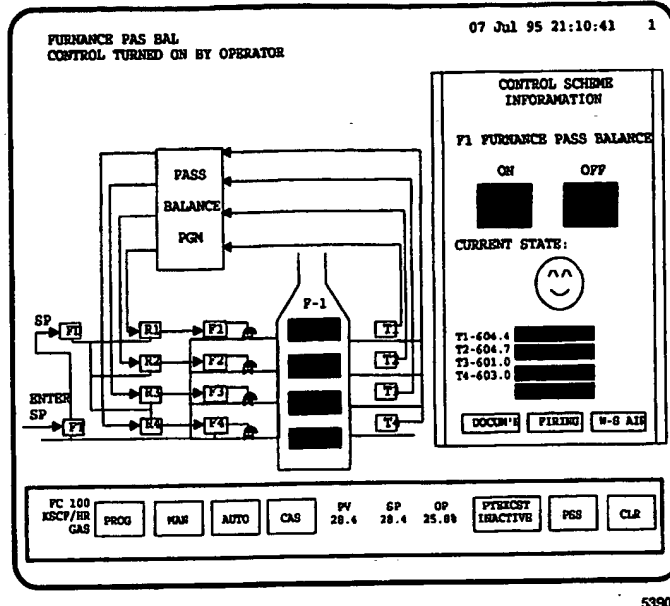


Figure 7 — Graphic Display

The ability to bring another live display into a designated area within an existing graphic display is another convenient feature available for use on graphic displays. These process-related displays can include key information such as trends, process curves, batch totals, recipes, averages, operator messages, alarm handling information, and efficiency calculations. This feature allows the operator to bring up this other process-related data without switching to another graphic. The Trend Display in the illustration at the right is such an overlay and can be deleted by the operator at will.

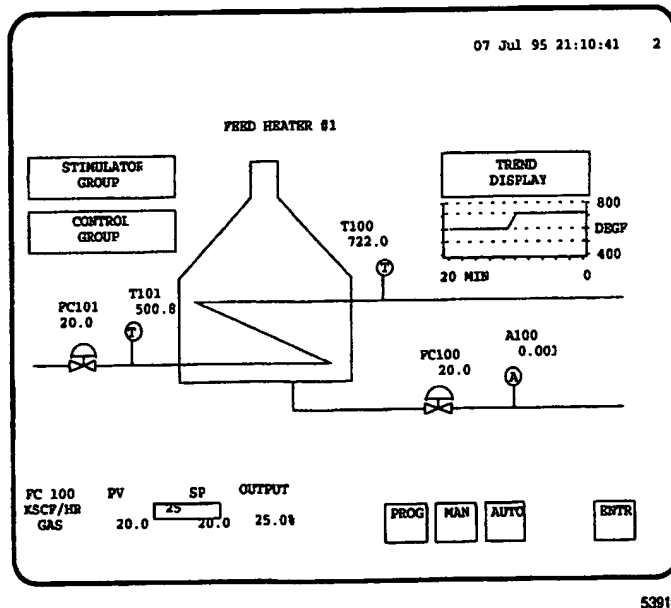


Figure 8 — Graphic Display with Trend Overlay

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## Alarm Displays

Alarm displays are used in conjunction with the alarm-annunciation mechanisms in the Universal Station to notify the operator of alarm conditions that can cause a process upset. The operator is notified of plant process alarms (caused by abnormal or important events and conditions in the process) and TDC 3000<sup>X</sup> system alarms (caused by a failure in an LCN module or in a process-connected device).

Process alarm conditions are assigned one of seven priorities as shown in Table 1.

Alarms are collected in the appropriate Unit Alarm Journal in a History Module, if a History Module is present. The number of alarms saved in the History Module is specified by the engineer.

When an alarm occurs, the following takes place:

- The ALARM SUMM key on each Operator's Keyboard in the appropriate console begins to flash. Other keys can be assigned to light, to indicate the unit in which a process alarm occurs. Alarm contacts close to activate one of three external, user-supplied annunciators or other devices.
- The alarm message is stored in the Unit Alarm Journal (if a History Module is present), printed on the assigned printer at the console, and entered

(flashing) in the appropriate alarm displays.

- Flashing of an alarm in the displays continues until acknowledged, and the ALARM SUMM key flashes until all alarms have been acknowledged.
- The alarm indications remain until the alarm condition is corrected.

There are three alarm displays available. The Area Alarm Summary Display and the Alarm Annunciator Display are described in Figures 12 and 13. The Unit Alarm Summary Display is similar to the Area Alarm Summary Display and lists up to 100 of the most recent alarms of all priorities for a given unit. The operator can acknowledge alarms and call up other Unit Alarm Summary Displays, from either of these displays, by using the annunciator boxes as targets. There are up to 36 Unit Alarm Summary Displays, 1 for each unit configured.

## Help Displays

The Help Display feature allows the user to build displays that provide assistance to the operator. These displays can be assigned to standard process displays and are accessed by the operator by pressing the HELP key. A Help Display can be any of the standard displays or a user-built display that might contain special operating instructions.

## Message Summary Display

The operator can observe, acknowledge, and confirm messages issued by the Control Language sequence programs through the Message Summary Display. This display has up to 4 pages and is a listing of the 96 most recent Control Language messages that have been issued to the operator. The listing is in reverse chronological order, with the most recent message at the top of the list. Each message contains a message-status character, the time of the message, a unit identifier, a point identifier, and the message text. The message-status character indicates actions that the operator must perform, such as acknowledge and confirm the message.

## TDC 3000<sup>X</sup> System Displays

- 2 The system displays show the assignments and status of the modules on the LCN and the process-connected devices on the UCNs and Data Hiways and provide the means to define and change assignments or change the status. The System Status Display (Figure 14) is called up by pressing the SYST STATS key. Most other TDC 3000<sup>X</sup> System Displays can be accessed through targets on this display.

## System Status Display

- 3 The System Status Display provides detailed status information for each node on the LCN. In addition, the display provides an easy method of loading any combination of LCN nodes as well as loading a pre-configured list of nodes. Support is also provided for customizing the System Status Display. The display can be customized to display one to five pages of information and can also be customized on a console by console basis.

Table 1 — Alarm Priorities

Priority Level	Universal Station Action	History Module Action
Emergency	Display and print alarms	Journal
High	Display and print alarms	Journal
Low	Display and print alarms	Journal
Journal	None	Journal
Printer	Print Alarms	None
JNL Print	Print Alarms	Journal
No Action	None	None

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These engineering-related functions are accessed through the Engineering Personality Main Menu Display, which can be called up from the Engineer's Keyboard at any time if Universal Personality software exists in the Universal Station. Following the selection of a function, the Universal Station provides the process engineer with access to the various features of that function.

Figure 16 — Engineer's Main Menu

- monitors and manipulates the process.
5. **Support Function** activities support the above groups of activities, as necessary. Support Functions include command processor operations such as copying files, creating program source files, and building CL message libraries; system menu operations such as checking how data points are distributed in the system; system status operations such as checking status of modules; and console status operations such as checking the status of Universal Stations and Universal Work Stations.

The forms-management capability of the Universal Station plays a significant part during configuration by presenting the process engineer with preformatted displays into which configuration information is to be entered. These preformatted displays also list alternative values that can be entered into the form by selecting

a target associated with the desired value. In addition, most entries have reasonable default values that can be accepted without further action by the engineer.

#### Building Data Points

This function uses the Data Entity Builder (DEB) to build, modify, or delete data points. A data point is a database structure used by the system to represent such entities as a physical input or output or a control calculation. The process engineer can select from two modes for building points: in the first mode, the engineer enters the information to build the data points; in the second mode, called *exception building*, data points are automatically built from files that contain previously defined data points, with the engineer entering only the information that differs from that in the original points.

The engineer can also create a template for a data point of a certain type. These templates contain specified default values for the

parameters. Once created, users can modify copies of the templates to easily create other data points with slightly different parameters. The back-build feature of the Data Entity Builder is also used to review and modify data points in the system.

#### Building Graphic Displays

The process engineer uses the display-building function provided by the Picture Editor to create dynamic process-graphic displays. The Picture Editor allows the engineer to create, modify, and delete pictures by working with the picture itself. Thus, the process engineer can quickly and easily build powerful interactive custom displays without resorting to programming languages. The process engineer can use standard characters or addressable dots to build graphic displays. Figure 17 shows the working format provided by the Universal Station through which graphic displays are built.

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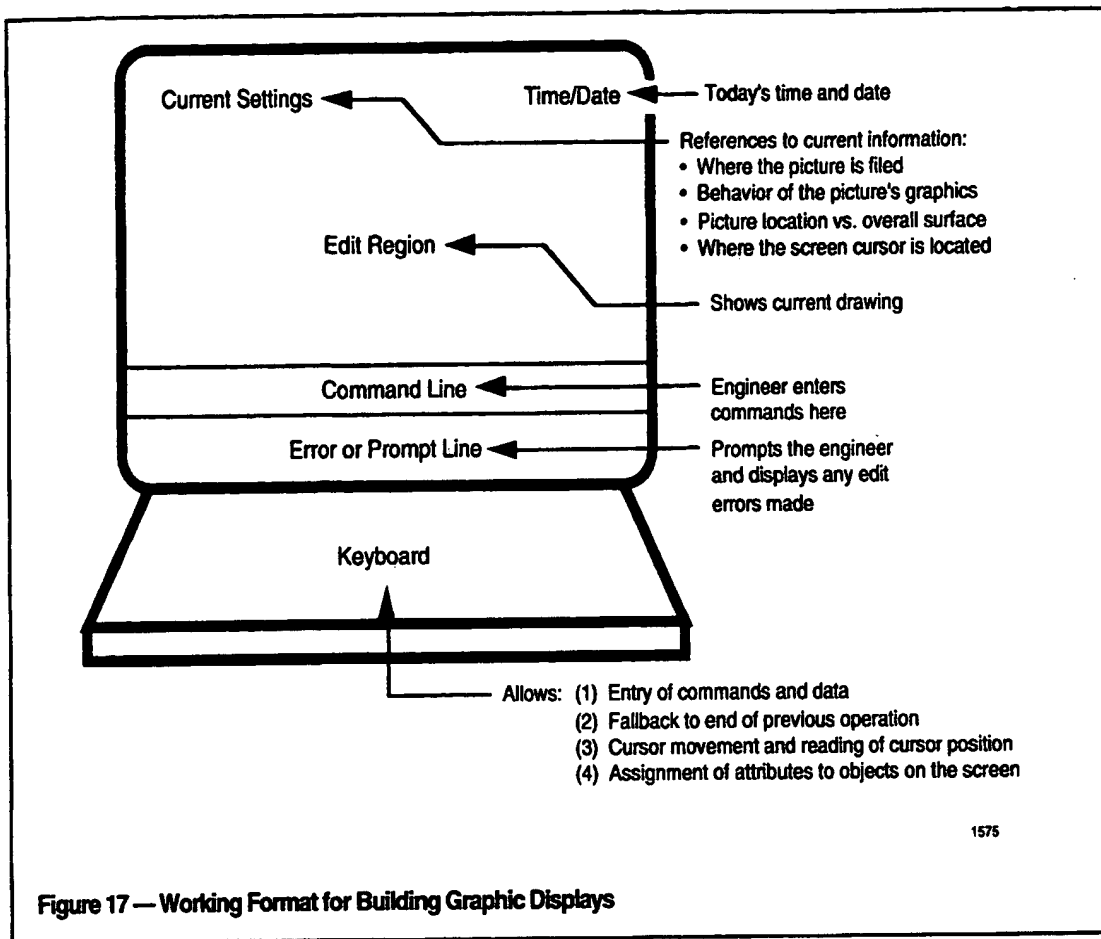


Figure 17 — Working Format for Building Graphic Displays

Key features of the Picture Editor are as follows:

- **Line Drawing**—Lines can be drawn between any two points on the picture. This allows the process engineer to easily build representations of pipes, lines, etc.
- **Polygons**—Realistic representations of plant equipment such as valves, pumps, and vessels can be constructed. Both filled and wire-frame polygons are supported.
- **Display of Process Variables**—The value of a process variable can be represented in numeric form, with textual information such as data-point descriptions.

- **Bar Graphs**—Process variables can be represented as dynamic bar graphs. Both horizontal and vertical bars of any length or width are supported.
- **Behavior of Display Objects**—The color, blinking, and intensity of objects in the display can be controlled, based on the value of the process variable. This allows abnormal conditions in the process to be represented by a corresponding change in a graphic display. For example, a blinking red pump might represent an alarm on that piece of equipment.
- **Subpictures**—Once a picture has been built, it can be added to any other picture as a subpicture. Thus, the process engineer can construct an

image of an object such as a pump or valve only one time and quickly add it to a picture. The subpicture can be added to a picture, or many pictures, as required. This eliminates drawing the same subpicture over and over again. The subpicture can be added with its behavior intact, or the process engineer can choose that the subpicture has the same behavior of the picture to which it is added. The process engineer can also modify parts of the subpicture's behavior after it is added to the picture. For some subpictures, the engineer can specify that a particular data point provides the value that is to be displayed. To make the subpicture more flexible, the engineer can add the parameters that are to be

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displayed rather than the particular value.

- **Scaling of Graphics**—A graphic can be scaled when it is built or when it is added to a display. A process engineer can build detailed graphics as a large image and later shrink them to the desired size, or modify the size when adding them to a picture. Thus, a subpicture of an often-used item, such as a pump, can be built in one size and added to several displays in different sizes.
- **Interactive Displays**—The touch-target capability of the Universal Station allows the process engineer to create pushbutton keys by drawing them as touch targets on a display. These serve as function keys that call up related displays and allow changes to process variables. The keys are supported by the keyboard and optional touchscreen, mouse, or trackball.

#### Preparing, Compiling, and Linking Control Language Programs

- 3 This function allows the process engineer to use the Universal Station to prepare, compile, and link Control Language (CL) programs. Control Language programs allow the process engineer to define custom-control action in an Application Module (CL/AM), to define sequence programs for a Process Manager (CL/PM), Advanced Process Manager (CL/APM), High Performance Process Manager (CL/HPM), and Multifunction Controller (CL/MC), and to define custom data segments for the Application and Computing Modules.

Control Language is a process-oriented language, designed for process and application engineers. With Control Language, engineers can solve process problems, even if they are not experienced

software engineers. Control Language is most beneficial when used to implement small process programs that require unsophisticated calculations. High-level programming languages are used in host computers to implement larger or more complex programs.

The following are some of the features of Control Language:

- Step-oriented sequence structure that consists of primary and secondary sequence programs.
- Process-related language statements such as assignment, control, delay, communication, and termination.
- A set of useful arithmetic, logical, logarithmic, and trigonometric operators.
- Branch-on-condition statements.
- Operator messages.
- A powerful abnormal-condition handling capability.
- Easy ways to establish operator communication.

These features make it easy for a process engineer to translate a process control scheme into a Control Language program. A Control Language Compiler/ Linker is provided in the Universal Station.

The process engineer can also use the Universal Station to test Control Language programs to ensure that the programs are operating properly before linking them to data points that are in service.

#### Building Logs and Reports

The engineer specifies the content and output schedule for preformatted logs, journals, and printed trends. He also can define specialized log formats by using the Free-Format Log Builder.

Specified logs (both preformatted and free-format), journals, and

printed trends can be combined into reports. These reports are scheduled independent of the print frequency for the included items.

#### Editing Files

This function allows the process engineer to use the Text Editor to build and modify files. It offers screen-editing functions that include copy, move, and character-string search.

#### Using Utility Programs

The process engineer Universal Station software provides access to utility programs to do the following:

- List volumes and files
- Format/initialize cartridge disks, floppy diskettes and History Module-volume names
- Save/restore files
- Save/restore continuous history
- Copy, verify, delete, print/display, and rename files.
- List the names of items with specified connections to other items in the database.
- Query function for all point data bases.

#### Calling Up System Function Displays

When the Universal Station is loaded with the Universal Personality software, all operator and engineering functions are accessible at any time. When the universal personality is in use, an operator or supervisor has read-only access to engineering functions, while still being denied change privileges because of the keyswitch lock-out.

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#### Maintenance Functions

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When faults occur in a TDC 3000<sup>X</sup> system, they are typically isolated by built-in tests and diagnostics

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## Physical Description

The Universal Station is available in two versions. One is a classic designed furniture module (see Figure 19) that encloses a 48 cm (19 in.) high-resolution color CRT, an Operator's Keyboard, and an electronics module. The second version known as the "Ergonomic" version, has updated,

ergonomically designed styling and utilizes a 53 cm (21") high resolution CRT (see Figure 20). A number of optional peripherals and accessories are available, as described under Universal Station components .

### Universal Station Components

Groups of Universal Stations can be clustered into a TDC 3000<sup>X</sup>

Operator Console, as shown in Figure 19 and with additional CRTs mounted in an upper tier as illustrated in Figure 20.

The Operator Console has been designed as an integrated work place to support all the devices that process operators require to efficiently do their jobs. The console is a flexible and configurable system of housings

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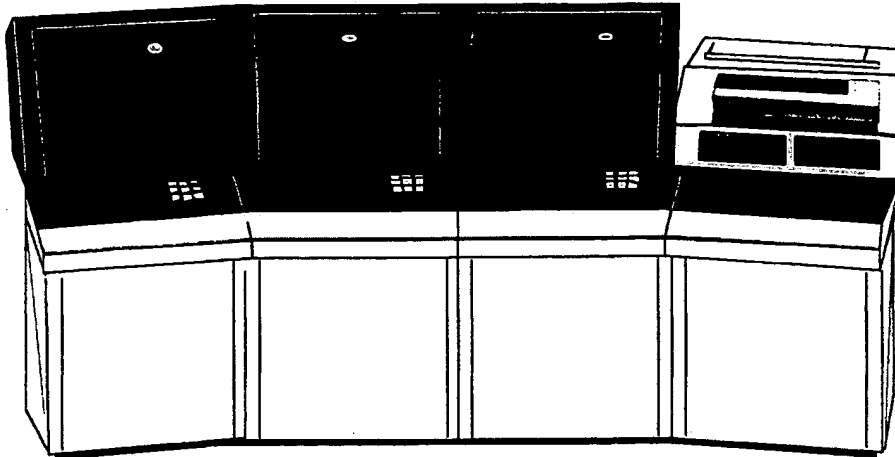


Figure 19 — Operator Console (Classic Furniture)

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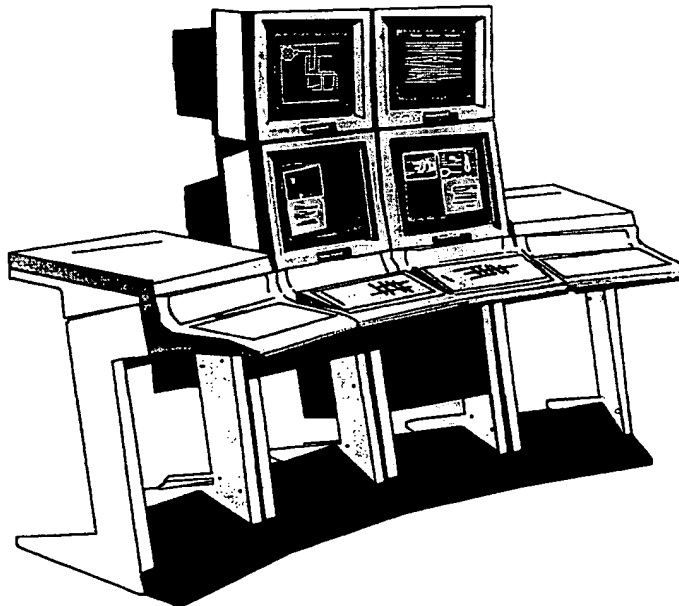


Figure 20 — Operator Console with Upper Tier (Ergonomic Furniture)

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for the CRT, keyboards, electronic modules, and peripheral devices such as disk drives, printers, trend-pen recorders, and other auxiliary equipment.

The console has been designed to provide the operator with optimal viewing of the CRT screen, and interaction with the screen and keyboards. The profile of the console has been designed to permit viewing of the surrounding control room from a seated position.

The console requires a minimum of valuable control-room space. Regardless of the number of Universal Stations in an Operator Console and the mix of options chosen, the operating procedures for the system remain the same.

The Operator's Keyboards are spill-proof membrane keyboards with touch-keys that provide audible feedback when a key is pressed.

The keys are organized to make the operator's demands for information and interaction with the process as quick and as easy as possible. The keys on the right are grouped by related functions. Functions of the 86 keys on the left are defined by the process engineer during system

configuration. Some keys incorporate software-controlled red and yellow Light Emitting Diodes (LEDs) that can be used to prompt the operator or to indicate function status. Forty of the keys on the left have LEDs which can be configured to reflect the process alarm status of points or units. Some keys are also color-coded for easy recognition. The keyboard provides an audible warning if the operator makes an invalid keystroke, or when more than one key is pressed at the same time.

#### Electronics Chassis

The Universal Station is equipped with a dual-node chassis which can contain two nodes (for example, two independent Universal Stations) in the same chassis. The chassis contains a fan assembly and two power supplies independently furnishing power to each of the nodes.

#### Operator's Keyboards

The Operator's Keyboard is supplied in one of two different keyboard layouts.

The QWERTY arrangement, shown in Figure 21, has the alpha keys arranged like those on a standard typewriter keyboard.

The alphabetic arrangement, shown in Figure 23, has the alpha keys arranged in ABC fashion.

#### Engineer's Keyboards

Figure 22 illustrates the "roving" keyboard which can be plugged into any of the stations. It includes a standard QWERTY typewriter keyset, a separate numerical keypad, cursor and tab-control keys, special-function keys, and 17 function keys that, when used together with the SHIFT and CTL keys, provides 51 virtual function keys. These 17 keys are configurable using the standard US button configuration function; therefore, like the configurable keys on the Operator's Keyboard, they can be assigned by the user to perform any desired existing function. The roving keyboard can be unplugged and removed from the Universal Station when not needed.

The Ergonomic Console version of the Universal Station can optionally be equipped with the Integrated Keyboard (IKB). The IKB combines an operator's keyboard and an engineer's keyboard in an ergonomically designed package. In addition to providing the same functionality as the operator and engineer keyboards, the IKB

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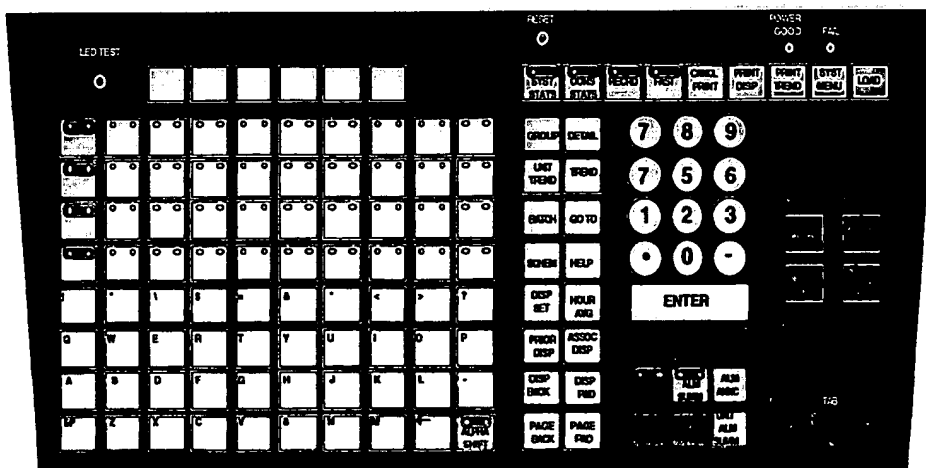


Figure 21 — Operator's Keyboard with QWERTY Layout

4416

contains five additional buttons for invoking standard displays and an optional fixed trackball. (See Figure 24)

#### Pointing Devices

A **touch screen** is a time-saving option available for the Universal Station. When equipped with this option, the CRT has a touch screen cursor positioner, which is a sensor frame that is placed around the face of the CRT and is mounted flush with the enclosure. Finger positioning at any location on the screen causes the cursor to move to that location. If a screen target exists there, "selection" of that target will occur when the finger is withdrawn.

Instead of the touch screen, the Universal Station can be optionally equipped with a "**trackball**" for positioning the cursor on the screen. When present, the trackball is located in front of the Operator's Keyboard, and can be quickly repositioned to either the right or left side of the surface for the convenience of each individual user. The Ergonomic version at the Universal Station also supports a mouse.

#### Removable Media Drives

The Universal Station can be equipped with one or two **Cartridge Disk Drives**. The disks are 5 1/4 inches in diameter, and each has a data-storage capacity of 35 or 150 megabytes.

Mounting locations integral to the console furniture, and within easy reach of the operator, are provided.

#### Hard Copy Printers

Two **dot-matrix printers** are available. Both are tractor-feed devices, and can provide the screen-print function.

One model is capable of printing 132 ASCII characters per line at a speed of 250 characters per second, while the other has a printing capacity of 136 characters per line at a speed of 400 characters per second. They can be conveniently located on a console table top, as illustrated in Figures 19 or on printer pedestals.

#### Trend Recorders

**Trend Pen Recorders** providing up to 8 Pens for each Universal Station can be mounted in a console extension above the CRT in full view of the operator.

#### Network Extenders

- 2 The Universal Station accommodates a **Local Control Network Extender (LCNE)** or a **Local Control Network Fiber Link (LCNFL)**. These devices are for use with fiber optic cables, and are described in the *Local Control Network Specification and Technical Data*.

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APP6 & REC1

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1 PAGE NO. 01

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ART 4200 BASIC DESIGN A 3.00 3.00  
ART 1300 DRAWING A 3.00 3.00  
EARNED HRS 6.00 GRADE PTS 24.00 HRS CARRIED 6.00

## MIAMI-DADE CITY COLLEGE

1990 SPRING

ARH 1006 ARH 1006 A 0.00 0.00  
ART 1330 FIGURE DRAWING B 3.00  
EARNED HRS 0.00 GRADE PTS 0.00 HRS CARRIED 0.00

## MIAMI-DADE CITY COLLEGE

1991 WINTER

ART 1202 BEGINNING DESIGN B 3.00 3.00  
ART 1330 FIGURE DRAWING B 3.00 3.00  
EARNED HRS 6.00 GRADE PTS 18.00 HRS CARRIED 6.00

## MIAMI-DADE CITY COLLEGE

1991 SPRING

ARH 2008 VISUAL FUNDAMENTAL 3 B 3.00 3.00  
ART 1203 BEGIN DESIGN 2 B 3.00 3.00  
EARNED HRS 6.00 GRADE PTS 18.00 HRS CARRIED 6.00

Appn: 09/877,729 (Wakefield) GRU 2174 1 OF 3

APP6 & REC2



# UNIVERSITY OF FLORIDA

Office of the University Registrar  
Gainesville, FL 32611-4000

222 Criser Hall, Box 114000  
352-392-1374

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NO. : 02

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*Barbara Blumidge*  
Barbara Blumidge  
University Registrar



Prefix & Course Number	Course Code	Grade	Credit Earned	Credit for GPA	Prefix & Course Number	Course Title	Grade	Credit Earned	Credit for GPA
---------------------------	-------------	-------	------------------	-------------------	---------------------------	--------------	-------	------------------	-------------------

UNIVERSITY OF FLORIDA 560 1998 SPRING  
ECH 1020 BAS CHEM CONCEPT/APPL A 3.00 3.00 3.00  
ECH 3203 CHEM ENGR OPER 1 B 3.00 3.00 3.00  
ECH 4123 CHEM ENGR THERMODYN 2 A 4.00 4.00 4.00  
ECH 4504 CHEM KINETICS & PROC B 3.00 3.00 3.00  
EARNED HRS 13.00 GRADE PTS 46.00 HRS CARRIED 13.00

UNIVERSITY OF FLORIDA 560 1998 SUMMER  
MAY-AUGUST - 12 WEEKS  
WITHDRAWN JUL 91 1998  
EEL 3003 ELEMENTS ELECT ENGR W 3.00  
LIN 3010 INTRO TO LINGUISTICS W 3.00  
MAN 3025 PRINS OF MANAGEMENT W 4.00  
MAR 3023 PRIN OF MARKETING W 4.00  
EARNED HRS 0.00 GRADE PTS 0.00 HRS CARRIED 0.00

UNIVERSITY OF FLORIDA 560 1998 FALL  
ECH 4323 PROC CONTROL THEORY B+ 3.00 3.00 3.00  
ECH 4323 L CHEMICAL ENGR LAB 5 B+ 1.00 1.00 1.00  
ECH 4403 CHEM ENGINEER OPERA 2 B+ 3.00 3.00 3.00  
ECH 4524 REACTOR DYN & DESIGN A 2.00 2.00 2.00  
ECH 4604 SYN SPEC ECON PROC A 3.00 3.00 3.00  
EARNED HRS 12.00 GRADE PTS 44.50 HRS CARRIED 12.00

UNIVERSITY OF FLORIDA 560 1999 SPRING  
ACG 2021 C INTRO FINAN ACCOUNTING B 4.00 4.00 4.00  
ECH 4224 L CHEM ENGR OPER LAB 1 A 3.00 3.00 3.00  
ECH 4264 ELEM TRANSPORT PHEN B 3.00 3.00 3.00  
ECH 4644 PROCESS DESIGN A 3.00 3.00 3.00  
ECH 4824 MATERIALS OF CHEM ENGR B 2.00 2.00 2.00  
EARNED HRS 15.00 GRADE PTS 51.00 HRS CARRIED 15.00

UNIVERSITY OF FLORIDA 560 1999 SUMMER  
STUDY ABROAD IN FRANCE  
A UF APPROVED OVERSEAS STUDIES PROGRAM  
COURSES IN PROGRESS

UNIVERSITY OF FLORIDA 560 1999 SUMMER

(SEE NEXT PAGE)

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2 OF 3  
GAU 2174  
APPN: 09/877,729 (WAKEFIELD)





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*Barbara Talmadge*  
Barbara Talmadge  
University Registrar



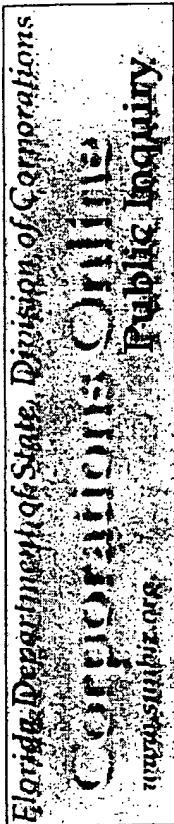
Prefix & Course Number	Course Title	Type	Grade	Credit Earned	Credit for GPA	Prefix & Course Number	Course Title	Type	Grade	Credit Earned	Credit for GPA
---------------------------	--------------	------	-------	------------------	-------------------	---------------------------	--------------	------	-------	------------------	-------------------

UNIVERSITY OF FLORIDA SEG 1999 SUMMER  
MAY-AUGUST - 12 WEEKS  
ECH 4404 I. CHEM ENG OPER LAB 2 B 2.00 2.00 2.00  
EEL 3003 ELEMENTS ELECT ENGR 1 C 3.00 3.00 3.00  
MAN 3025 PRINS OF MANAGEMENT B 4.00 4.00 4.00  
EARNED HRS 6:00 GRADE PTS 16.00 HRS CARRIED 9.00

UNIVERSITY OF FLORIDA SEG 1999 FALL  
ECH 4404 PROFESSIONAL SEMINAR B+ 1.00 1.00 1.00  
EEL 3003 ELEMENTS ELECT ENGR C 3.00 3.00 3.00  
FIN 3408 BUSINESS FINANCE C 4.00 4.00 4.00  
AWARDED BACHELOR OF SCIENCE IN CHEMICAL  
ENGINEERING  
GRADUATED DEC 18, 1999  
MAJOR CHEMICAL ENGINEERING  
MINOR BUSINESS ADMINISTRATION

Appx: 09/877,729 (Wakefield) GAU 2174 3 OF 3

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APP6 & REC3

Florida Profit  
COOLTVNETWORK.COM, INC.

PRINCIPAL ADDRESS  
17731 NW 14TH CT.  
MIAMI FL 33169 US  
Changed 05/01/2003

MAILING ADDRESS  
17731 NW 14TH CT.  
MIAMI FL 33169 US  
Changed 05/01/2003

Document Number

FEI Number

Date Filed  
09/22/1999

State  
FL

Status  
ACTIVE

Effective Date  
NONE

Registered Agent

Name & Address
WAKEFIELD, FRANZA 17731 NW 14TH CT. MIAMI FL 33169
Address Changed: 05/01/2003

Officer/Director Detail

Name & Address	Title
----------------	-------

WAKEFIELD, FRANZ A 17731 NW 14TH CT. MIAMI FL 33169	PCDE
---	------

## Annual Reports

Report Year	Filed Date
2002	02/25/2002
2003	05/01/2003
2004	08/30/2004

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No Events  
No Name History Information

## Document Images

Listed below are the images available for this filing.

08/30/2004 -- ANN REP/UNIFORM BUS REP  
05/01/2003 -- ANN REP/UNIFORM BUS REP  
02/25/2002 -- REINSTATEMENT  
07/18/2000 -- ANN REP/UNIFORM BUS REP  
09/22/1999 -- Domestic Profit

**THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT**

[Corporations Inquiry](#)

[Corporations Help](#)

## Best Available Copy

1

APP7 &amp; REC1

Appn: 09/877,729 (Wakefield) GAU 2174 1 OF 4

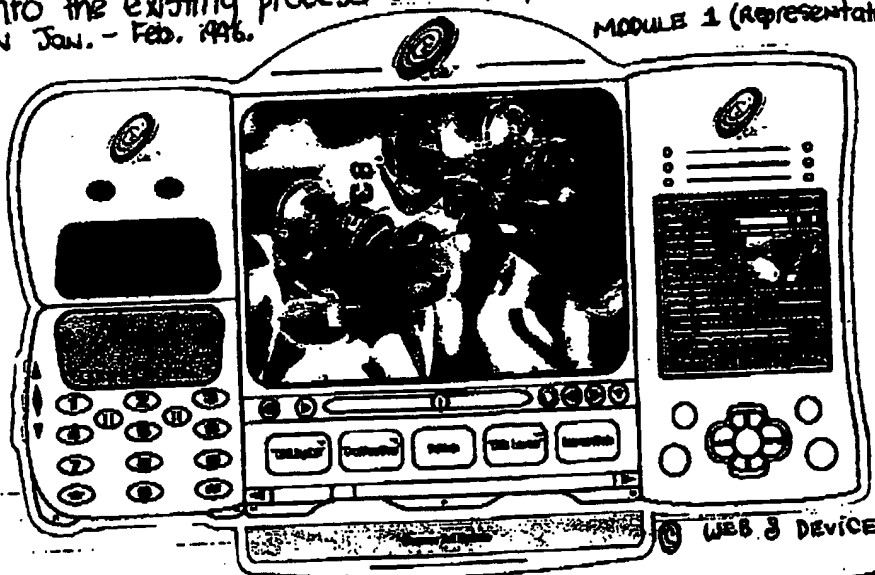
Title: Method and system for creating, using and modifying multifunctional™ website hotspots (ClickVideoShop™)

Purpose: To provide interaction with and through video, audio, and digital media by utilizing a mode control bar of "Multi-functional Hotspots™" within digital media, to control and use Grid-Networks, for communication, commerce, & efficient process flow to achieve ambidextrous organizations on globally accessible networks, such as WWW.

Description: A software module for creating, using and modifying multifunctional website hot spots by utilizing a mode-control bar. I conceived of the invention (CVSSW™) while working to integrate the new computer system (TDC3000) into the existing process control system at Dow Chem. Co. in Jan. - Feb. 1996.

MODULE 1 (representative)

"MULTIFUNCTIONAL HotSpots™" Red, Gold, & Green



## Best Available Copy

2

Appn: 09/877,729 (Wakefield) GAU 2174 2 OF 4

Ramifications: "Multi-functional Hotspots™" can be programmed to have a plurality of functions, and are efficiently and effectively controlled by a mode control bar (as referenced in representative module 1).

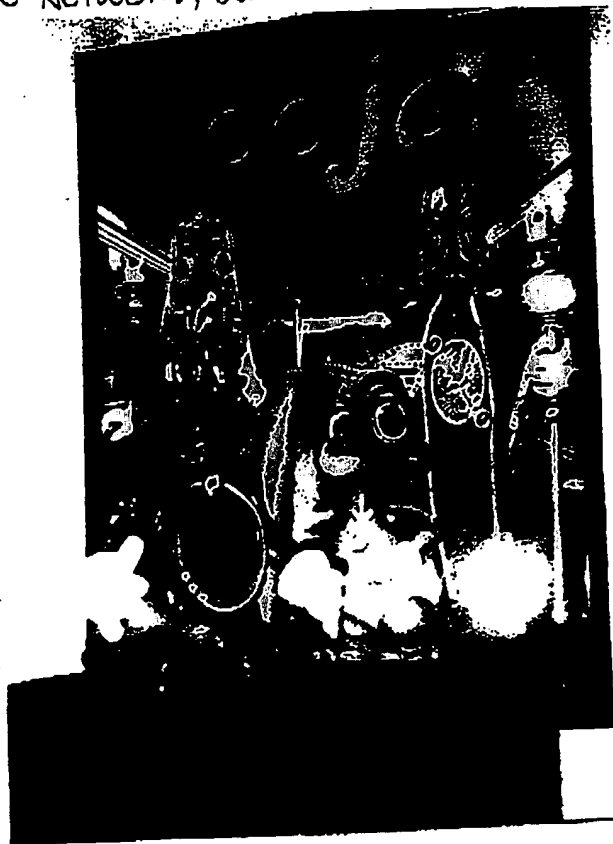
Possible Novel Features: Can comprise an apparatus or software module which controls and uses Grid Networks, for communication, commerce, & efficient process flow; achieving an ambidextrous unit or organization on a globally accessible network, such as W W W.

"LBONKA!"™  
DÄ BOONKÄZ™

→ (representative)  
MODULE 2

→ Children's  
Module.

MODE-CONTROL  
BUTTONS - Left Sector  
of touch-screen  
interfacing module.



## Best Available Copy

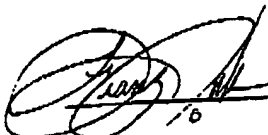
3

Appn: 09/877,729 (Wakefield) GRA 2174 3 OF 4

Advantages: With The Internet Generation on the rise, and the explosion of the bandwidth bottleneck in a microwave society, it will be essential for the business world to add breadth and width to today's and tomorrow's venues. In this "New Wave" where digital information superhighways are paved directly into consumers homes, offices, and everyday lives, it becomes crucial to map an entertainment network, and B2B2C organizations that gives control to the user by adding immersive interactivity to the scope of "The Old Way of Doing Things." CVSSW™, provides these advantages to The International Theatre.

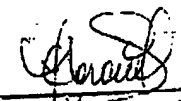
INVENTOR:

DATED:

  
 FRANZ A. WAKEFIELD

April 21, 2004

The above confidential information is witnessed &amp; understood:

  
 Your Honor  
 Noel G. WAKEFIELD

4/21/04

04/21/04

## Best Available Copy

Appn: 09/877,729 (Wakefield) GAU 2174 4 OF 4

Title: Method and system for creating, using and modifying multifunctional™ website hotspots (ClickVideoShop™)—BUILDING & TESTING.

Reference: Conception recorded via declaration, & on pages (1-3)

Description: • A feasibility prototype of the CVSSW™ software was completed October 1999, by Stephen A. Benedict, an independent contractor of COOLTVNetwork.  
reference module 1: For a representative view of the feasibility prototype.

- A provisional application was filed June 8, 2000.
- A disclosure document was filed with the PTO office on February 18, 2000.

Ramifications/Test Description/Test Results: The feasibility prototype was a success. The source code to have a full working software, was written. Lewis, Kobe-Bryant, and Coca-Cola commercials were used. The test was a partial success (not full working model).

INVENTOR:

DATED:

April 21, 2004

The above confidential information is witnessed & understood:

4/21/04

04/21/04

NOEL G. WAKEFIELD

Best Available Copy

The Dow Chemical Company  
P.O. Box 150  
Plaquemine, Louisiana 70765-0150



February 2, 1999

MBA Office of Admissions  
Stanford University Graduate School of Business

Dear Admissions Evaluator:

This letter of recommendation supports Franz Wakefield in his application for entrance into your program. The applicant worked under my supervision for 5 months as a Coop Engineer on a large capital project.

Franz performed extremely well as a member our project team. His personality was a good fit with other team members. His out-going manner worked well with coworkers of all levels, from the production workers to the managers. His performance was excellent on the project.

His job was to create an operating interface to marry the new computer system with the Production Operator's needs. He used much creativity, good technical skills, and problem-solving ability to accomplish his job. He finished his project a month ahead of schedule and devoted the last month of his work improving the system.

Franz is an extremely motivated individual who has a strong desire to learn. His technical ability is excellent. I believe he has the skills and will make a good leader

Sincerely,

Vernon Darfing  
Process Control Specialist

APP8 & REC1

App Number 09/847,729 (Wakefield) GAU 2174 1 OF 5



# SUPERVISOR'S EVALUATION OF STUDENT

**Instructions:** The immediate supervisor will evaluate the student objectively, comparing them with other students of comparable academic level, with other personnel assigned the same or similarly classified jobs, or with individual standards. Make a copy of the form and keep it for your records, forward original to Professional Placement, Freepart, TX, 8-120. Please remember the form must be completely filled in before the signature is obtained.

Date: 3-15-96  
 Name: Franz Wakefield Employee Number: U289783  
 School: University of Florida Major: Chemical Engineering  
 Work Period: Jan - Apr '96 To: \_\_\_\_\_  
 Department: TSS "A" Supervisor: Veronica Darling

- 1 - Far exceeds what is normally expected of a student
- 2 - Well above what is normally expected of a student
- 3 - Slightly above what is normally expected of a student
- 4 - Consistent with what is normally expected of a student
- 5 - Below what is normally expected of a student

DIMENSIONS	COMMENTS	1	2	3	4	5
SAFETY: Demonstration of awareness of, and concern for, the safety of self and others.	Exhibits Safe Behavior. Complies w/ all Safety Requirements.		X			
TECHNICAL ABILITY: Demonstration understanding of the technical aspects of the job.	Good Understanding of Technical Matter Relating to Coop Assignment.	X				
PLANNING: Schedule and organize work efficiently.	Exceptional Planning Skills. Very well at organizing his work Plan.	X				
INTERPERSONAL SKILLS: Ability to work well with people of diverse backgrounds and styles.	Franz has worked well with technical staff & operators. His ability to interact with all levels is excellent.	X				
DECISION MAKING: Ability to come to logical and workable solutions.	Good decision-making Skills		X			
CREATIVE ABILITY: Ability to develop original, workable solutions to problems.	Extremely creative, conceptualizes and solves problems well.	X				
PRODUCTIVITY: Quantity and quality of relevant work.	Franz has far exceeded the normal Coop Work Volume.	X				
INITIATIVE: Taken independent action; attempts to influence events to achieve results.	Franz is a self-starter and encourages those who work with him as well.	X				
COMMUNICATIONS: Ability to effectively exchange information orally and written.	Good Communication Skills.		X			
TEAMWORK: Actively supports the team concept through participation as a team member.	Excellent team player. Franz has been a valuable asset to our project team.		X			
OVERALL RATING		X				

(Continued on reverse side)

04/12/96

APP8 & REC2

Adm Number 09/877,729 (Wakefield) GAU 2174

2055

Complete the Graphical Operator License to the 10000 series

WHAT FACTORS MOST IMPRESSED YOU ABOUT THIS STUDENT? Tracy has a winning personality combined with the ability to "get things done". He is very organized in his approach to problem and works extremely well as a team player.

WHAT FACTORS MOST CONCERNED YOU ABOUT THIS STUDENT? —

SPECIFIC SUGGESTIONS FOR STUDENT IMPROVEMENT AND GROWTH: Tracy will be an excellent engineer with broader exposure to plant operations

ADDITIONAL COMMENTS: Excellent Copy

COMPLETE THE FOLLOWING DURING THE FINAL REVIEW:

Should Dow consider this student for full-time employment? X Yes — No

Please indicate why or why not: Tracy would fit well in the "Dow Team"

For what department or function? Plant or Engineering

Employee Signature [Signature]

Date: 3/15/96

Supervisor's Signature Ken A. Hardy

Date: 3/15/96

Second Level Signature —

Date: —

04121533

Room Number 09/877, 729 (Wakefield) GAU 2174

Appn: 09/877, 729 (Wakefield) GAU 2174 3 OF 5



College of Engineering  
Department of Chemical Engineering

PO Box 116005  
Gainesville, FL 32611-6005  
Phone: (352) 392-0881  
Fax: (352) 392-9513  
E-mail: chemical@eng.ufl.edu

Arthur L. Fricke, Professor  
February 10, 1999

RE: Franz Wakefield

Ladies and Gentlemen:

Mr Franz Wakefield, a senior student in chemical engineering at the University of Florida, has requested that I write a letter of recommendation for him for admission to the Stanford University Graduate School of Business, and I am pleased to comply with his request.

I have known Mr. Wakefield for more than two years. During that time, he has been a student in three classes that I have taught--Kinetics and Reactor Design, Separation Processes, and Professional Seminar. In addition, I have had many discussions with Mr. Wakefield outside of the classroom environment concerning his progress and aspirations, as I normally do with more than half of the students who take courses from me. Therefore, I have had ample opportunity to form what I believe are valid evaluations of Mr. Wakefield's capabilities, character, personality, and potential for accomplishing his career goals. I have taught chemical engineering for more than 30 years, and more than 1200 different students have taken courses that I have taught during my teaching career. My evaluation of Mr. Wakefield, in as much as is possible, is in comparison with those 1200 students.

I would rank Mr. Wakefield's academic performance as being in the upper 20-25% for students that I have taught, and I have been privileged to have students who are above the average in aptitude for all students at the universities where I have taught. Certainly, if he were to pursue a solely technical career, I have every reason to believe that he would be very successful; however, he has other career goals. He is more interested in a business career.

Mr. Wakefield is extremely personable and outgoing. He is respected and well liked by his classmates and by his instructors. He is highly motivated, but has an even temperament. He works hard and he wants to excel, but he maintains his composure under pressure. His character and personal integrity are beyond reproach, and he is sensitive to the feelings of other people. Mr. Wakefield communicates well verbally, but he also listens well; a rare combination. The few examples of his original writing that I have read are grammatically correct and clear, although (as is the case for the writing of nearly all students) his writing could be improved by revision. Finally, Mr. Wakefield has clearly defined his long range goals and has devised paths for accomplishing those goals.

I follow the careers of many of the students who have passed through my classes. I know of many former students who are in upper management positions in large corporations. At this point, I can honestly say that Mr. Wakefield is equivalent in academic performance, capability,

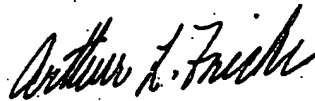
APP8 & REC3

Appn Number 09/844,729 (WAKEFIELD) GAU 2174

personality, integrity, and motivation to any in that group of former students. If he continues to progress, I have no doubt that he will rise to the same level of responsibility.

Obviously, I recommend Mr. Wakefield without reservation for admission to an academic program leading to a Master of Business Administration degree. His career accomplishments after earning an MBA will be a credit to the University of Florida and to your university.

Sincerely,



Arthur L. Fricke, Professor  
Chemical Engineering  
University of Florida

Appns Number 09/877,729 (wakefield) GAU 2174 5 OF 5

APPN: 09/877,729 (WAKEFIELD) GAU 2174 1 OF 4

**FRANZ A. WAKEFIELD**

**D O W**

**&**

**The UNIVERSITY of FLORIDA'S  
CHEMICAL ENGINEERING**

**Created April 30, 1996**

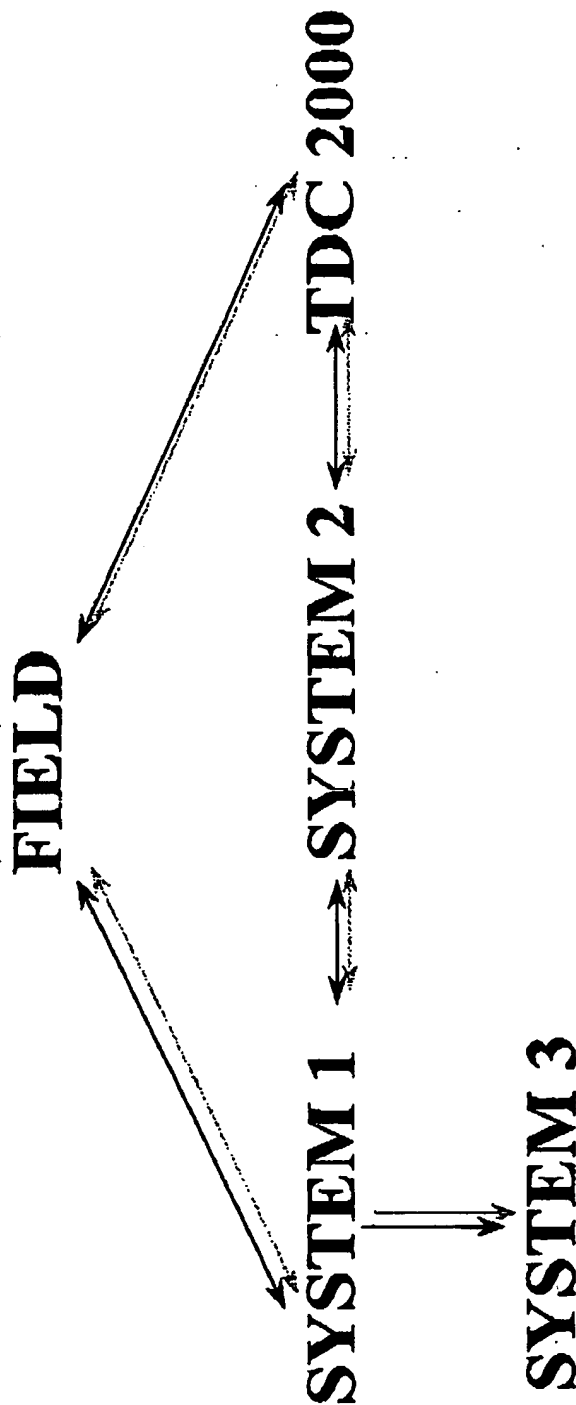
**APP9 & RECI**

**ORIGINAL SENT (1/7/05)**

**INFORMATION REFERENCE**

**SEE EMAIL (3/22/05) TO EXAMINER**

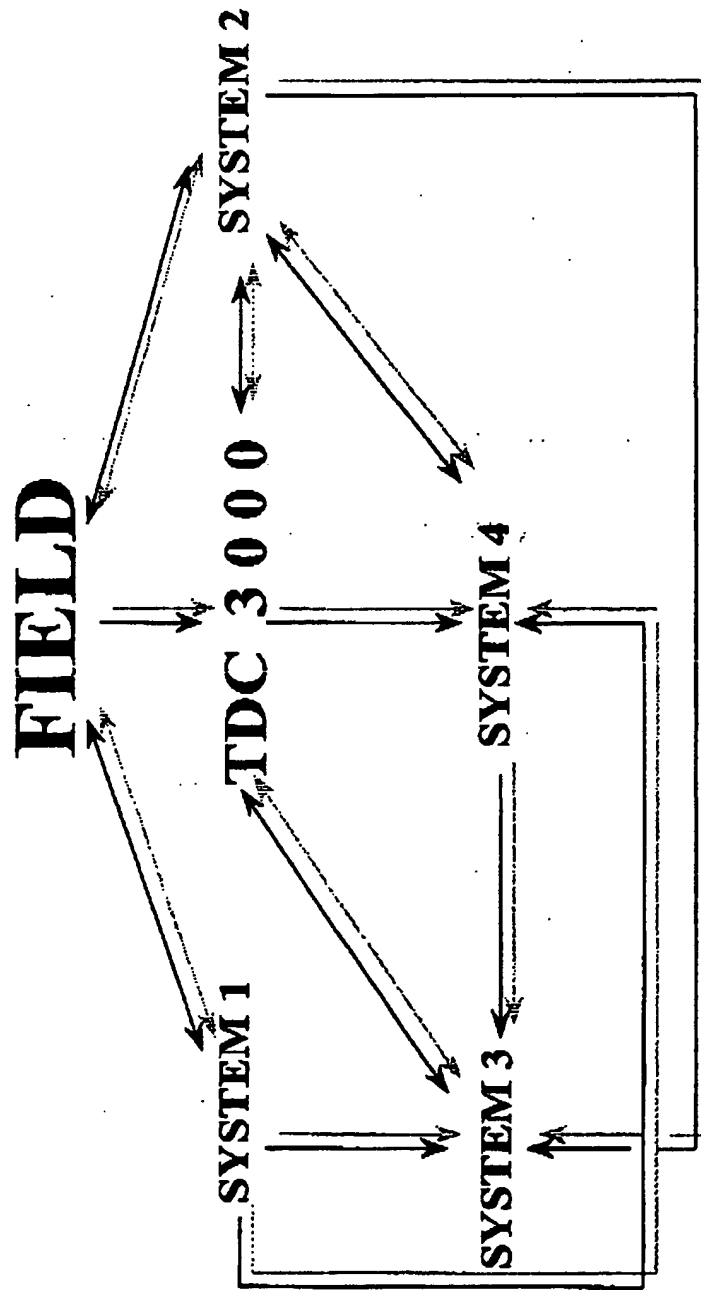
# PRIOR NETWORK OPERATION STRUCTURE.



APPN: 09/877,729 (WAKEFIELD) GAU 2/94 2 OF 4

# NETWORK INTEGRATION

## • MORE SYSTEM INTEGRATION & CONTROL.

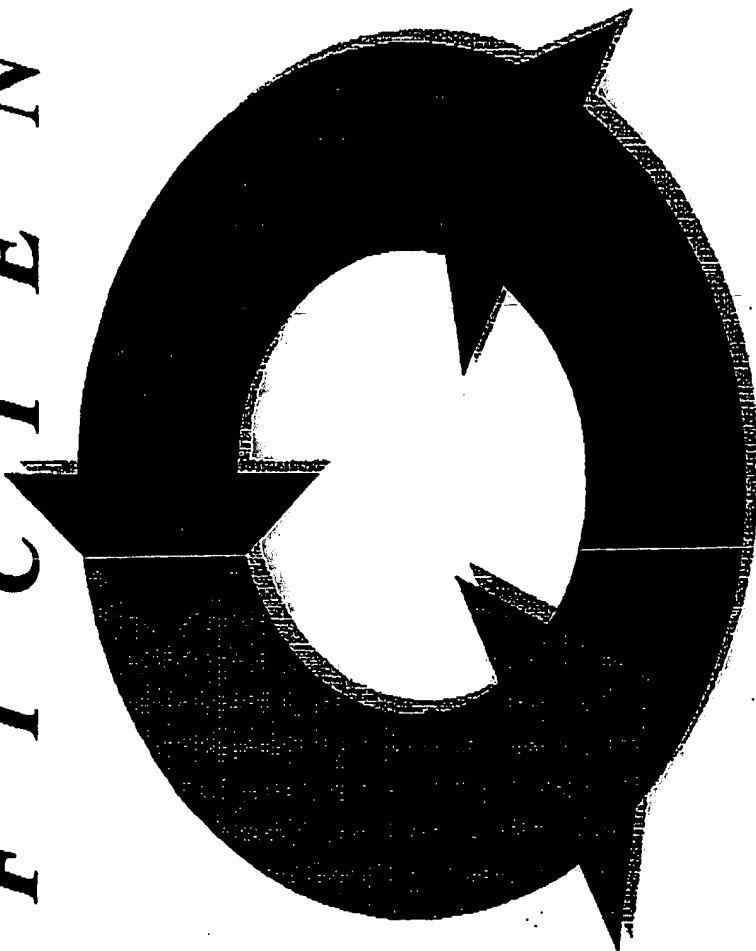


Appn: 09/877,729 (WAKEFIELD) GRU 2174

3 OF 4

APPR: 09/877, #29 (WAKEFIELD) GAN 3144 4 OF 7

# SYSTEM EFFICIENCY





**NEW**

**PICTURE**

**ERGONOMICS**

**INTERACTION**

**OLD**

**TEXT**

**CLUTTERED**

**INFORMATION**

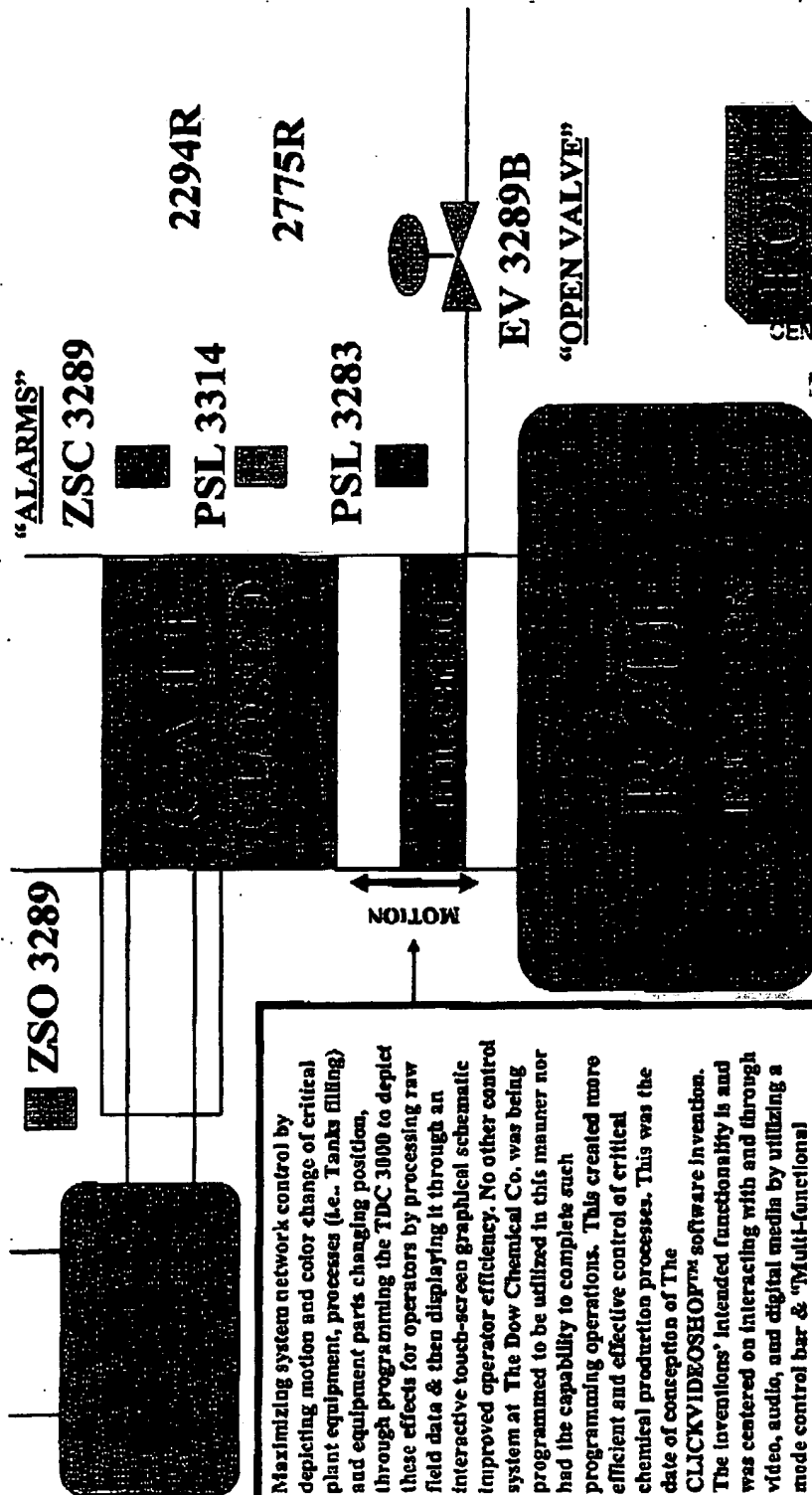
Appn: 09/877, 789 (WAKEFIELD) GRN 2174 5 OF 7

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**T D C 3 0 0 0**

**TOUCH-SCREEN**

# GRAPHICAL INTERFACE & VISUAL ALARM SYSTEM...



RECEIVED  
CENTRAL FAX CENTER

MAR 22 2005

Maximizing system network control by depicting motion and color change of critical plant equipment, processes (i.e., Tanks filling) and equipment parts changing position, through programming the TDC 3000 to depict these effects for operators by processing raw field data & then displaying it through an interactive touch-screen graphical schematic improved operator efficiency. No other control system at The Dow Chemical Co. was being programmed to be utilized in this manner nor had the capability to complete such programming operations. This created more efficient and effective control of critical chemical production processes. This was the date of conception of The CLICKVIDEOSHOP™ software invention. The inventions' intended functionality is and was centered on interacting with and through video, audio, and digital media by utilizing a mode control bar & "Multi-functional Hotspots™" to control an d use Grid-Networks, for communication, commerce, & efficient process flow to achieve ambidexterity.

EXCERPT

6 OF 7

Appn: 09/877,729-(WAKEFIELD) GRU 2174

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# RELATIVE LOGIC

ZSC 3289 ☒

• After Touch-screen initiation

R 201 TOP VLV SLIDE SHUT R1 R201 TRAIN 1 REACTOR  
SINGLE INPUT POINT DATAclosed ☒

BOX 13

ALENBST ENABLE

SLOT 12

ALPRIOR NOACTION

SUBSLOT 14

OVERVAL OFF

PC INDEX 1

PC TYPE MODICON

open ☒

SP

-----CONFIGURATION DATA-----

PTTYPE DIGINHG

SPECIFI 1

PV

NODE 17

CRITSCAN OFF

HIWAY 03

EIP EVENT ANY

OP %

BOXTYPE DHP

EIPENB DISABLE

Appn: 09/877, 729 (WORKFIELD) G9U 2174

7 of 7



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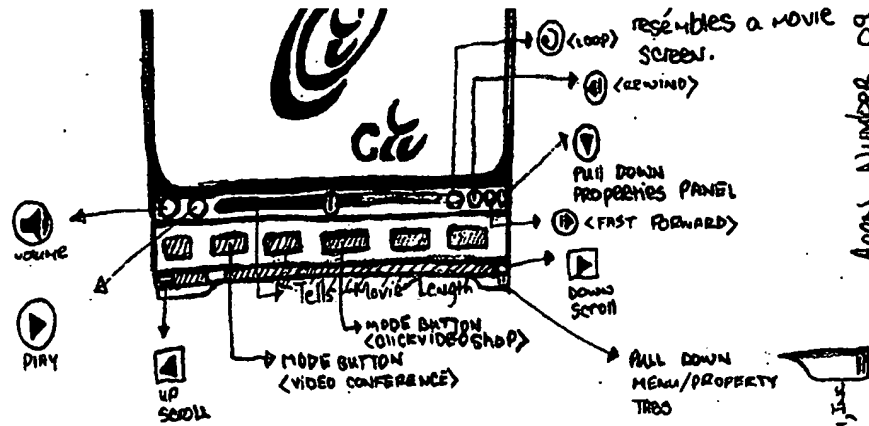
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## 17. Worldwide Social Investments

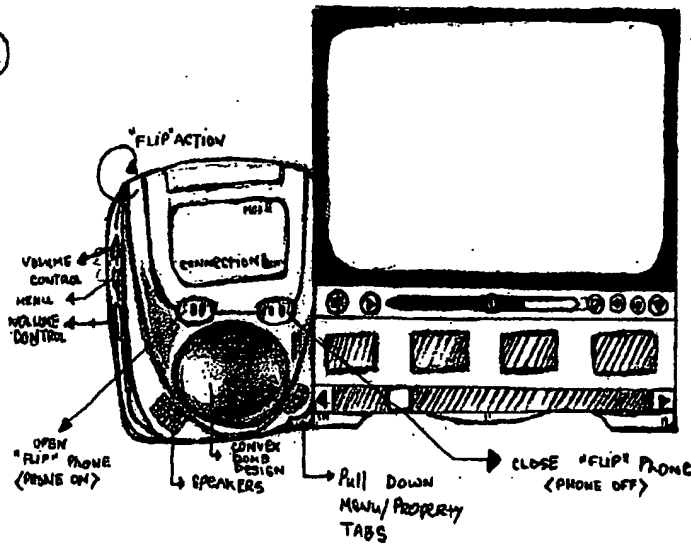
The Dow Chemical Company is a global science and technology based company that develops and manufactures a portfolio of chemical, plastic and agricultural products and services for customers in 168 countries around the world. With annual sales of more than \$18 billion, Dow conducts its operations through 14 global businesses employing 39,000 people. The company has 123 manufacturing sites in 32 countries and supplies more than 3,500 products. The 39,000 Dow people around the world develop solutions for society based on Dow's inherent strength in science and technology - which we refer to as good thinking. Good thinking helps customers succeed, stockholders prosper, employees achieve and communities thrive.

Appn: 09/877,729 (Wakefield) GAU 2174 2 OF 2

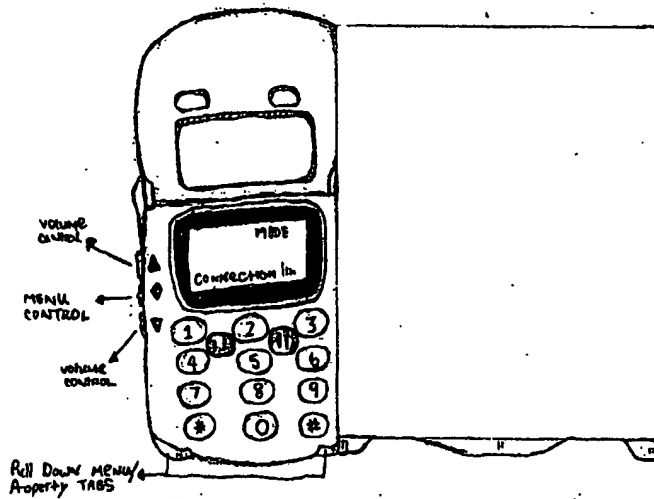


AppN Number 09  
(Wakefield) GAU 2

②



③



CONFIDENTIAL NOTES

PROPERTY OF COOLTUNETWORK.COM, INC.

10/28/00

DRAWINGS BY:

FRANZ A. WAKEFIELD

AppN: 09/877,729 (Wakefield) GAU 2174 1 OF 3

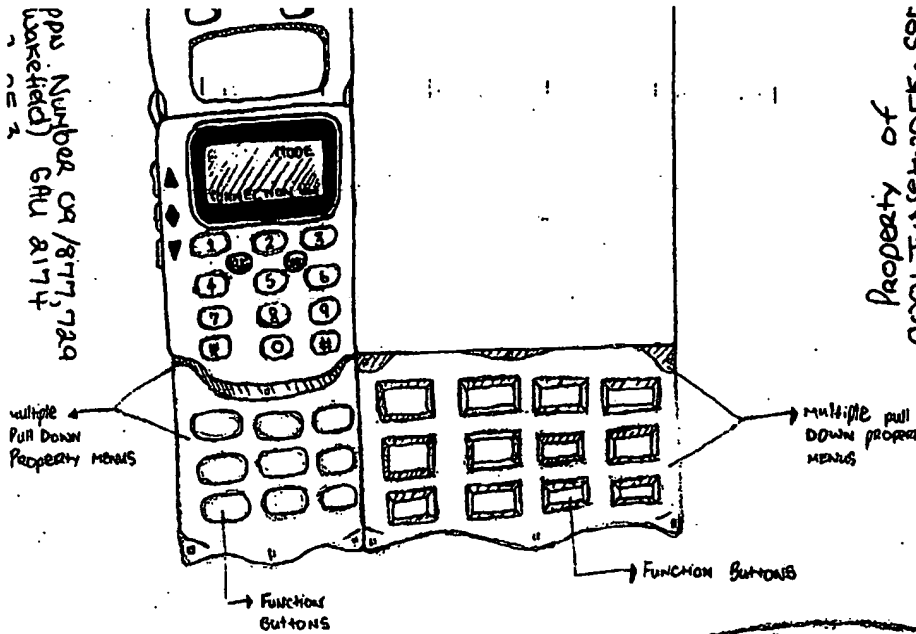
1/3

APP12 & REC1

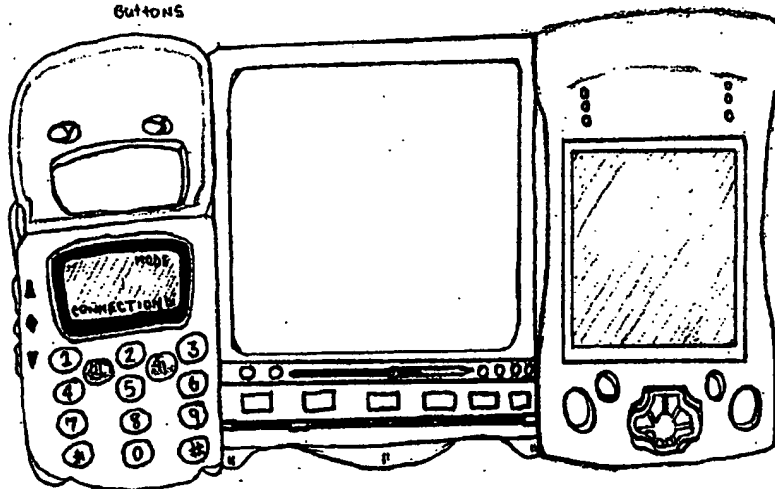
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2/3

Appn: 09/877,729 (Wakefield) GAU 2174



⑤



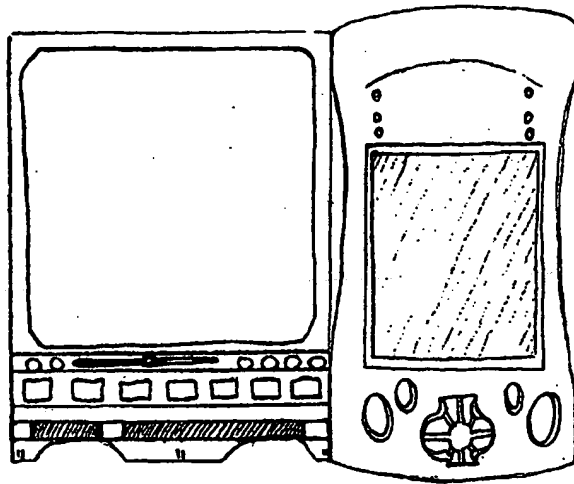
Property of  
COOL TUNSWORTH CORP.

DRAWING BY:

Appn: 09/877,729 (Wakefield) GAU 2174 2 OF 3

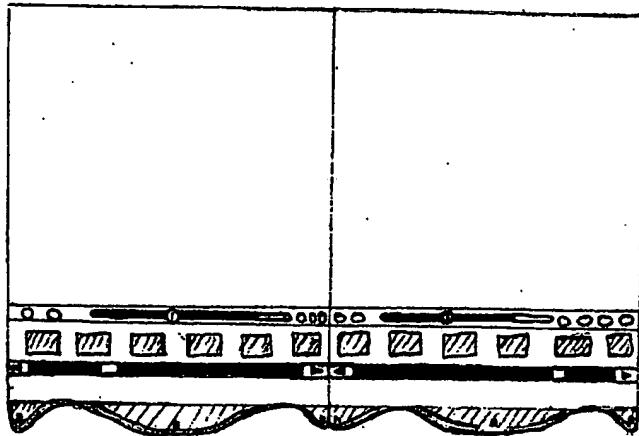
FRANZ A. WAKEFIELD.


App# Number 09/877, 729  
(Wakefield) GAU 2174  
1 OF 3



CONFIDENTIAL

⑦



- ⑧ \* Three Screens, with the 2 outer screens @ a tilt to MAKE a 3D PANEL. 

- \* • MAKE A "housing" for each view (1-8) that can be used to put advertising (on top of housing), and used to MAKE the entire interface LOOK MORE uniform. Add some design that incorporates the company icon, maybe the COOL static + links to our other sites (COOL cartoons, COOL computer files... etc.). The "housing" should transform from one view to another smoothly (meaning not change drastically, + have the same theme).
- \* • These interfaces have to be very professional, futuristic (millineal - with smooth curves, and that shiny dark silver + light silver color), and it has to be easy (soothing) to look @ for hours.

Property of COOL TV Network, Inc.

0/08/00

Drawings By:

App# 09/877, 729 (WAKEFIELD) GAU 2174 3 OF 3



Page 6, column 1: para. 2

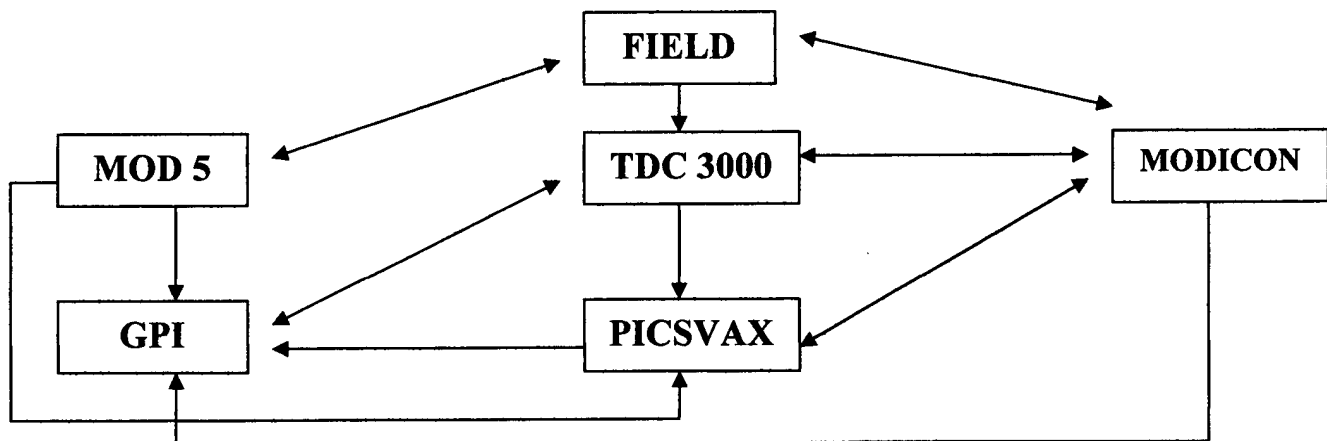
- **Interactive Displays**---The touch-target capability of the Universal Station allows the process engineer to create pushbutton keys by drawing them as touch targets on a display. These serve as function keys that call up related displays and allow changes to process variables...

Page 9, column 3: para. 2

**Network Extenders**

The Universal Station accommodates a Local Control Network Extender (LCNE) or a Local Control Network Fiber Link (LCNFL). These devices are for use with fiber optic cables, and are described in the Local Control Network Specification and Technical Data.”

***SEE Tab11(APP9 & REC1 pg.2 ), SEE Tab10(APP8 & REC1);  
Dow Cellulose Process Control (a Networked Computer System):***



**vid-eo** \’vi-dē-,ō\ adj (1938) 1: being, relating to, or used in the transmission or reception of the television image < ~ channel > --- compare audio 2: being, relating to, or involving images on a television screen or computer display <~ terminal> page 1316

**Meriam-Webster’s Collegiate Dictionary TENTH EDITION**

**Copyright © 1999 by Merriam-Webster, Incorporated**

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***SEE Tab3(APP2 & REC1 pgs. 1-5; REC2); SEE Tab2(APP1 & REC6)***

**AFFIDAVIT OF MR. STEPHEN A. BENEDICT**

I, Stephen A. Benedict, DECLARE UNDER PENALTY OF PERJURY THAT:

1. I am Stephen A. Benedict, and I have a BS in Electrical Engineering from Florida A&M University, a MSE in Computer Science and Engineering from the University of Michigan, and an MBA from Harvard Business School. I was employed by Apple Computer from 1998 to 2002, where I held a number of software engineering and technical leadership roles.
2. On or after approximately October 20, 1999, I created a software prototype after a conversation with Franz A. Wakefield. This prototype was a proof of concept to illustrate the ideas expressed during the conversation with Mr. Wakefield.
3. The proof of concept was written in the Java programming language. The proof of concept conveyed the experience of illuminated “hot spots” by

compositing pastel-colored polygons onto a video during playback at a specified time for a specified interval, as shown below:

**COPY**

```
public class HotSpot extends TimerTask
{
    Movie                movie;
    boolean              isActive = false;
    boolean              isVisible = false;
    Rectangle            rect;
    int                  start = 0, duration = 0;
    java.util.Timer      startTimer = new java.util.Timer();
    java.util.Timer      endTimer = new java.util.Timer();
    TwoDSprite           hotSpot;
    Compositor           compositor;

    HotSpot( Movie m, Rectangle r, int s, int d, Compositor c ) throws Exception
    {
        super();
        movie = m;
        rect = r;
        start = s;
        duration = d;
        compositor = c;

        File img = QTFactory.findAbsolutePath ("box.tif");

        GraphicsImporterDrawer gid = new GraphicsImporterDrawer (new QTFile(img));

        QDRect rect = new QDRect (
            gid.getDescription().getWidth(),
            gid.getDescription().getHeight());

        ImageSpec imageSpec = ImageUtil.makeTransparent (
            gid,
            QDColor.blue,
            new QDGraphics (QDGraphics.kDefaultPixelFormat, rect));

        Matrix matrix3 = new Matrix();

        matrix3.setTx(r.x);
        matrix3.setTy(r.y);

        hotSpot = new TwoDSprite(
            imageSpec,
            matrix3,
            true,
            8,
            new GraphicsMode (QDConstants.blend, QDColor.cyan));
    }

    public void activate()
    {
        startTimer.schedule( (TimerTask)this, start, 10 );
    }
}
```

```

public void run()
{
try
{
    TimeRecord      tr;
    float           currentTime = 0;

    isActive = true;

    if ( !isVisible )
    {
        setVisible( true );
    }

    tr = movie.getTRTime();

    currentTime = ((float)movie.getTime() / (float)tr.getScale()) * 1000;

    if ((float)currentTime >= start + duration )
    {
        isActive = false;

        setVisible( false );

        startTimer.cancel();
    }
}
catch (Exception e)
{
}
}

public void setVisible( boolean setVisible ) throws Exception
{
if ( setVisible )
    compositor.addMember(hotSpot,1);
else
    compositor.removeMember(hotSpot);

isVisible = setVisible;
}
}

```

**COPY**

4. The proof of concept could perform actions based on the user's action. For example, clicking a "hot spot" could launch a web browser with a predefined URL.
5. The proof of concept demonstrated that this functionality could be extended to format the URL or perform another action based on the invocation context (single click, double click, right click, etc.). As a result, the "hot spot" appeared as "multifunctional" to the user.

-----

It should be obvious to someone skilled in the art that the above stated citations and facts proves, that the claims (1-20) of the application 09/877,729 of the Invention CVSSW™ was Conceived and Reduced to Practice on April 30, 1996.

COPY

That:

April 30, 1996 is the solidified date of conception and reduction to practice of The CLICKVIDEOSHOP™ software (CVSSW™). *SEE* Tab11(APP9 & REC1 pg. 6) During a Co-Op Engineering work experience at The Dow Chemical Co. in Plaquemine, Louisiana I invented The ClickVideoShop™ software (CVSSW™). The date of conception can be sworn to February 1996 based on a series of accomplishments and discoveries while working to integrate the new computer system (The TDC 3000) into the existing process control system at The Methoxy Cellulose Production Plant. *SEE* Tab9(APP7 & REC1 pgs. 1-3); *SEE* Tab10(APP8 & REC1 pgs. 1-3) The TDC 3000 is not a DOW proprietary control system, and has its own unique programming language. *SEE* TDC3000x Tab(APP5 & REC1 : "Total Plant")

Maximizing system network control by depicting motion and color change of critical plant equipment, (i.e. animated objects based on field data, such as the animation of rotors in tanks, or seats in reactors changing position; this is and was different from the usual "blink" graphic representation, which only exemplified 1 or 0 data in a visual format) *SEE* Tab11(APP9 & REC1 pg. 6 : "Box Summary"); *SEE* TDC3000x Tab(APP5 & REC1 pg. 2: para. 2 and pg. 5: column 2 para. 2) processes (i.e. tanks filling) and equipment parts changing position, through programming The TDC 3000 to depict these more ergonomic and hazard prevention visual effects for

operators by processing raw field data & then displaying it through an interactive touch-screen graphical schematic, improved operator efficiency in critical production periods (operators usually work 12 hour shifts). *SEE* Tab10(APP8 & REC1 pg. 1) No other control system at The Dow Chemical Co. was being programmed to be utilized in this manner nor had the capability to complete such programming operations. This created more efficient and effective control of critical chemical production processes. *SEE* Tab11(APP9 & REC1 Pgs. 6, 7) This was the conception and reduction to practice of The CLICKVIDEOSHOP™ software (CVSSW™) invention. *SEE* Kendall v. Searles, 173 F.2d 986, 993, 81 USPQ 363, 369 (CCPA 1949) The inventions' intended functionality is and was centered on interacting with and through video, audio, and digital media by utilizing a mode control bar & "Multi-functional Hotspots™" within digital media, to control and use Grid-Networks, for communication, commerce, & efficient process flow to achieve ambidextrous organizations on globally accessible networks, such as WWW. *SEE* Tab11(APP9 & REC1 Pgs. 6, 7), and *SEE* Tab2(APP1 & REC3 pg. 1, para. 2)

*SEE* Tab2(APP1 & REC3 pg. 1, para. 2)

"...devices may be reengineered by third parties, which will NOT be deemed infringers if those devices perform equivalent processes differently."

Harvard Business Review; Dec. 2004 pg.74,

"How Market Smarts Can Protect Property Rights"

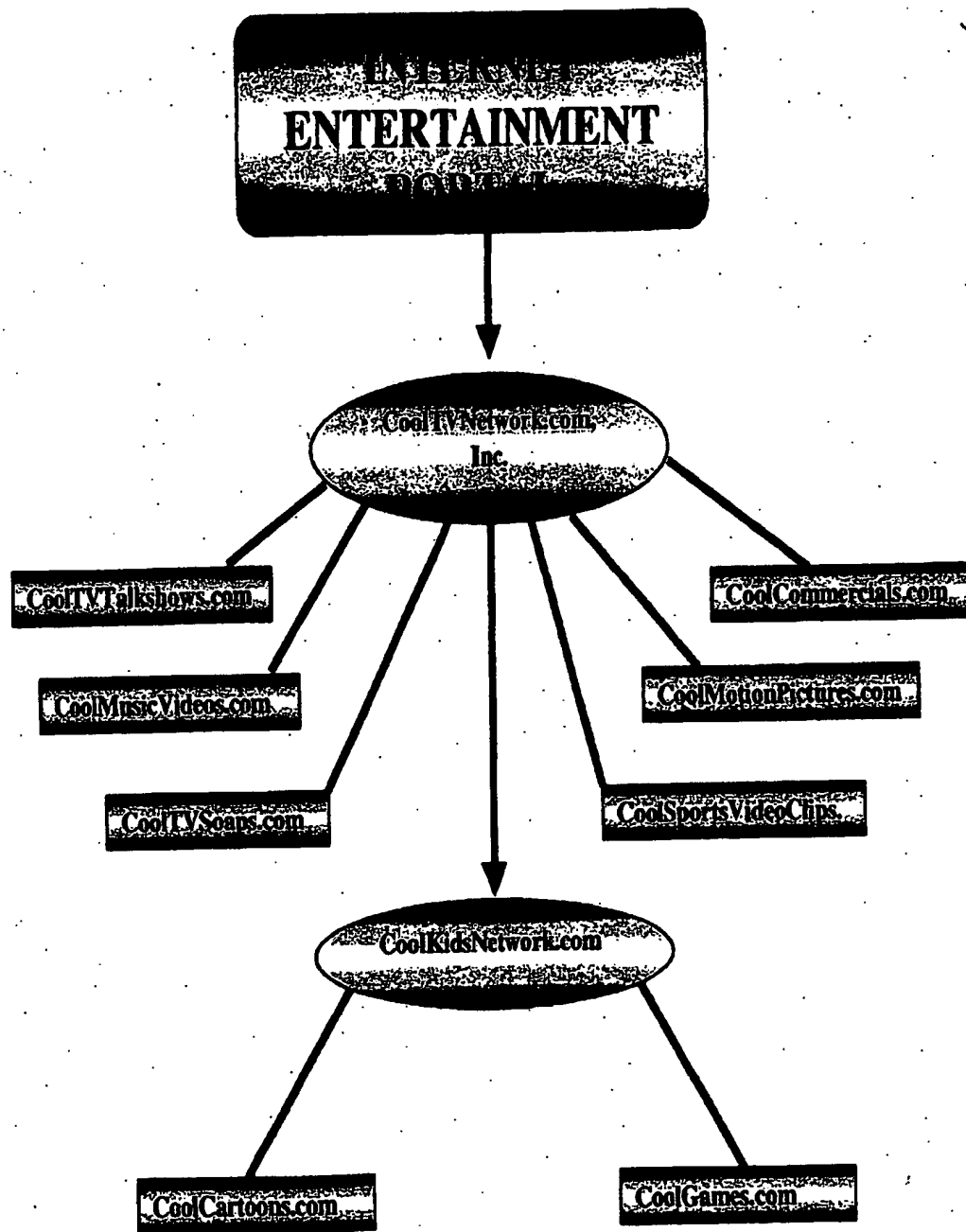
That:

COPY

From the date of conception and reduction to practice, to August 1999 I did not directly communicate the invention to anyone *SEE* Tab 2(APP1 & REC1 pg. 2); *SEE* Tab3(APP2 & REC3 pgs. 1-2); *SEE* Tab3(APP2 & REC4 pgs. 1-3); *SEE* Tab3(APP2 & REC5 - 6) even though my manager, and the operators at The Methoxy Cellulose Plant knew that there was a novel change in identifying operability and functionality of the critical processes at the plant through the system integration that I completed during my Co-Operative experience with the company. *SEE* Tab10(APP8 & REC1 pgs. 1- 5); *SEE* Tab11(APP9 & REC1) I realized that it was a phenomenal sequence of accomplishments, and my manager realized the same and exemplified the same with a “far exceeds” final review of my work. *SEE* Tab10(APP8 & REC1 pgs. 1- 3) On or about March 15, 1996, I discussed an invention, now called The ClickVideoShop™ Software (CVSSW™) at a lunch meeting with my manager Vernon Darling, at the time a Process Control Specialist. In that meeting I expressed my intentions to use “The Invention,” (as defined on page 4 of this AFFIDAVIT), that I created; which is & was using animated color cued objects as ‘links’ to other information and functionalities. I, Inventor, talked about and stated the intended functionality of the invention as the following:

That the invention was “BIG,” that I intended to use it via the Internet, that it would utilize all types of communication at a point, and that there was no overlap with the Dow Chemical company. *SEE* Tab2(APP1 & REC1 pg.2); *SEE* Tab1(APP0 & REC1 pgs. 1- 2)

# VISION

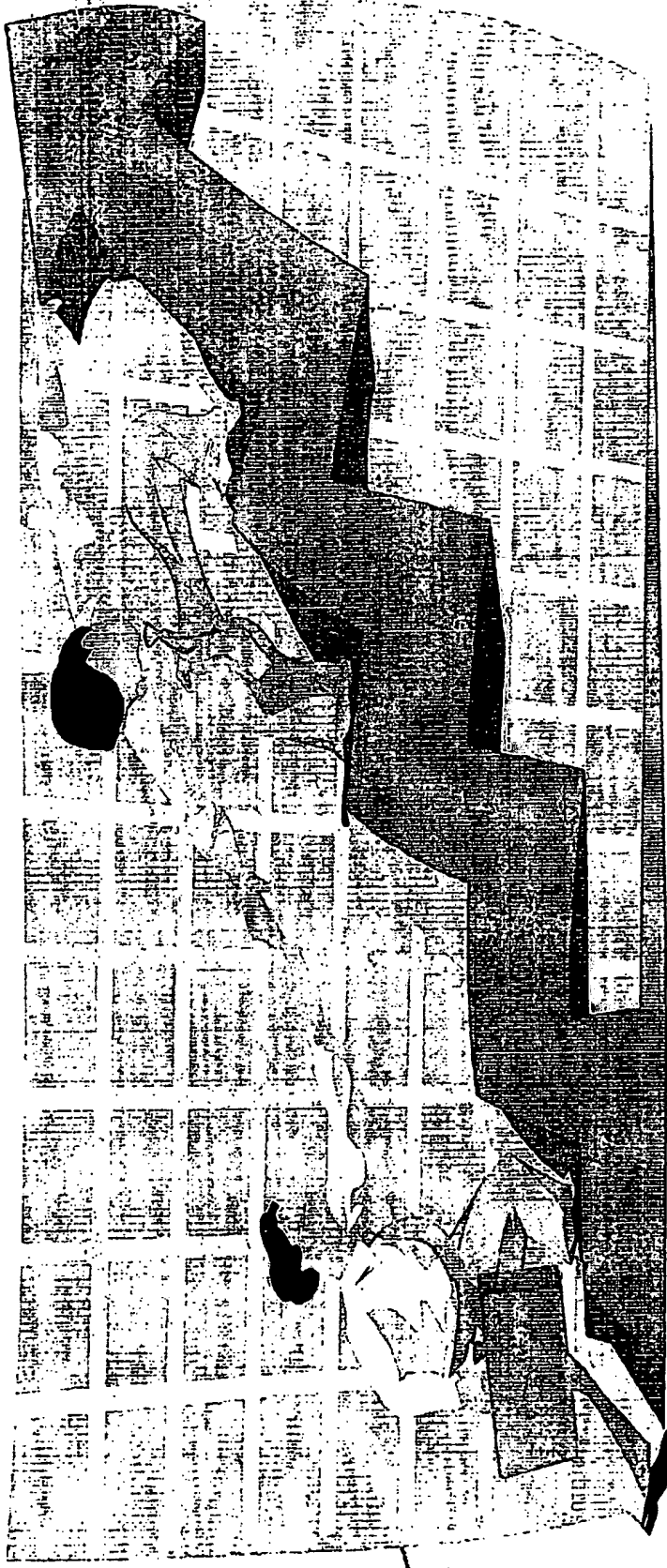


Appn. Number 09/877,729 (Wakefile)  
GAU 2174 1 OF 22

APP11 & REC1



# Breaking Ground For A New



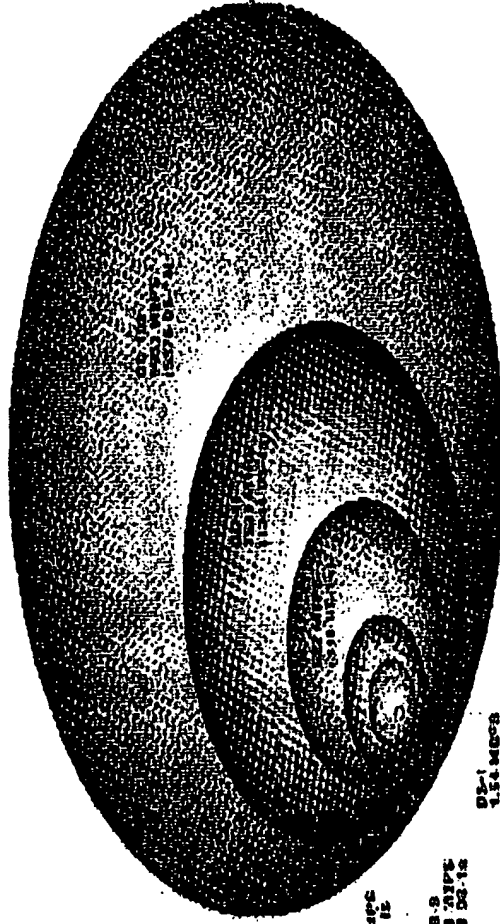
# MILLENNIUM

Created 8/30/99

AppN Number 09/877,729 (wakefield)  
GAU 2174 2 OF 22

# The Bandwidth to Change Everything.

## Qwest Fiber Capacity



31-70000  
 31-70000  
 1-70

154-156

[illegible]

# West

AppN Number 09/877, 729 (wakefield)  
GAU 2174 (3 of 82)

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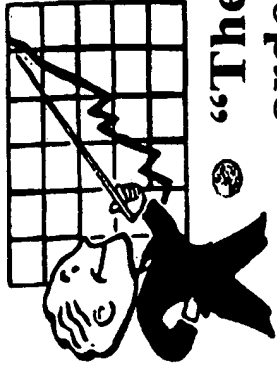
# Experts Tell Us That to Be Successful-



**“Have Vision . . . Move Faster Than  
the World Moves . . . & You Will  
Be There When the World  
Arrives.”**

App# Number 09/877, 729 (wake  
GAU 2174 4 of 22

# The *INTERNET* = The *FUTURE*.



● “The internet is the foundation for a new industrial order.”  
--Forbes

● In 1998 \$ 1.9 billion dollars was spent on internet advertising. In 1999 \$ 2.5 billion dollars will be spent on internet advertising.

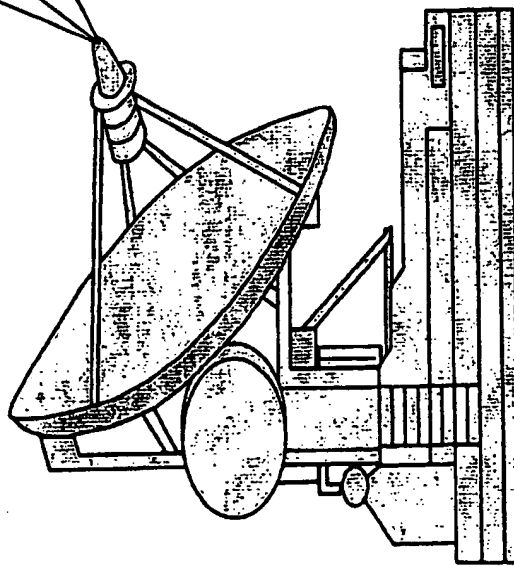
--International advertising bureau

● “The internet is a quintessential different form of experiencing than television or cinema... .It offers a far more interactive experience.”

--US department of commerce

Appn. Number 09/8717, 729 (Waket)  
GAU 2174 5 OF 22

# We Are Witnessing the Evolution of a Unified Global Network



App# Number 09/877,729  
EAU 2174 6 of 22

(UNCLASSIFIED)

---

# How Important Is It for Your Business to Advertise on the Internet ? ? ?



## ● Internet population projected growth

DATE	POPULATION (Millions)
1996	37.84
1997	58
1998	87.75
1999	110.25
2000	132.75

App# Number 09/8977,789 (wakefe  
GAU. 2174 7 OF 22

---

# **Future Market = ∞**

- **“Internet traffic is doubling every 100 days, yielding a yearly growth of more than 700%.”**

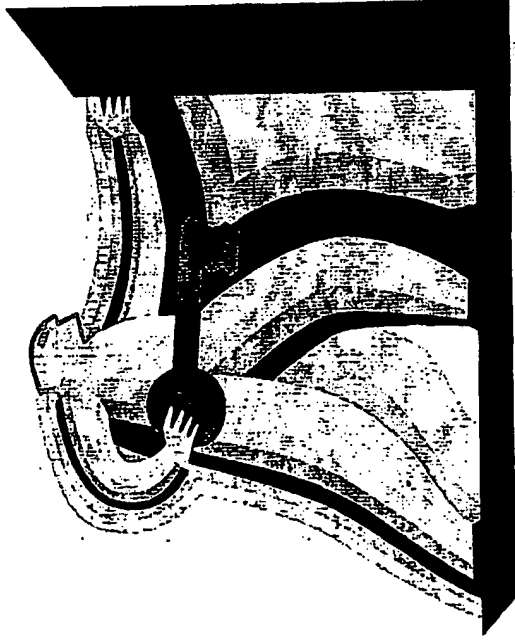
**- Us department of commerce**

- **“Global internet sales will reach \$ 3.2 trillion in 2003.”**

**- Forrester research**

AppN Number 09/8777,729  
(Wakefield) GAU 21748 OF 2

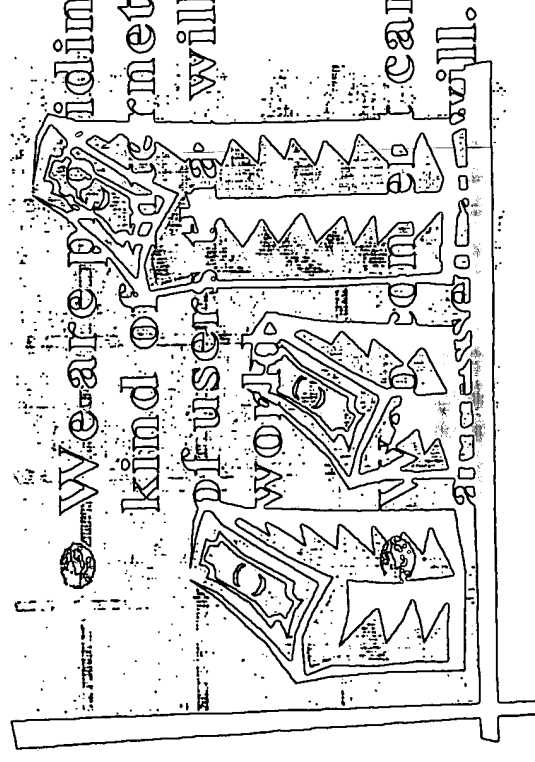
# ***What Is It ? What Do We Do ?***



***Provide the Largest Video Library  
of Entertaining TV Commercials,  
Music Videos, & Sports Video  
Clips; While Giving the  
Opportunity for Impulse Buying  
and Interactive Entertainment***



# How Is Your Company Going to Benefit From CoolTvNetwork.Com?



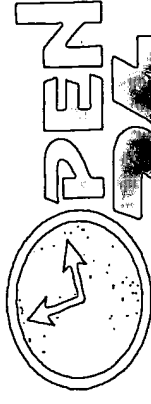
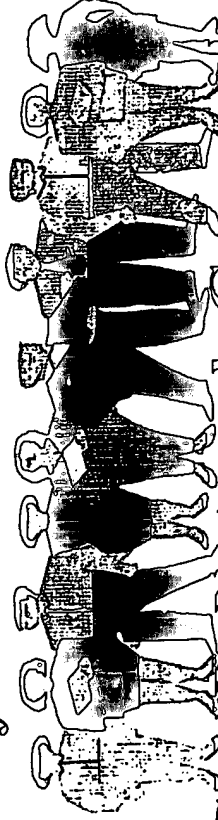
...iding a new, free, and interactive  
...net entertainment to a population  
...will soon be the entire civilized

...can be archived forever &

- “No more random TV commercials, Music Videos or Plays-Of-The-Day.” The Internet can be accessed 24-hrs a day, 7 days a week.

# How Is Your Company Going to Benefit From CoolTvNetwork.Com?

- Entertaining TV Commercials, Music Videos, & Plays-of-the-day, can reach consumers 24 hrs/day, 7days/week.



- CoolTvNetwork.Com will provide companies with

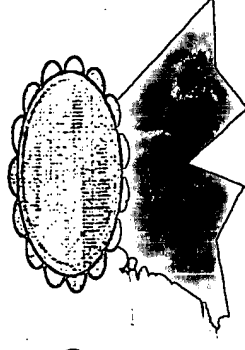
a record of the number of users that visit a particular company or product line and the comments each user has on the commercial, music videos, sports clothing line, company marketing strategies. . .etc.

---

## *How Is Your Company Going to Benefit From CoolTvNetwork.com?*



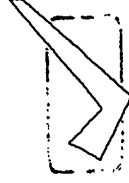
- Internet streamed video can be "creatively filed" as antique, modern, testers, categorized by event or time, humorous, special effects inclined, or most ingenious.
- CoolTvNetwork.com will provide consumer analysis through psychologically researched questions regarding the video entertainment content
- Increased consumer loyalty through video images on t-shirts, mugs. . etc.



# Why Will They Come ?



- The largest, and only entertaining Video library available--users can surf as many entertaining Commercials, Music Videos, Plays-of-the-Day, and soon Motion pictures without beginning to see the entire Video library
- The only web interactive entertainment community composed of consumer's favorite "mini-movies"
- "One stop shop," of audio/video interactive entertainment before shopping in our embedded virtual interactive malls, or after investing online.
- To participate in home TV Commercial, or Music Video contest



# Why Will They Come Back ?

?



● Explore another facet of the largest  
Audio/Video library



● Group meetings in Forum Lounges to  
explore the Video library, or to converse  
in "Chat-Rooms"

# Why Will They Come Back ? ?



## ● Membership

### ● To explore the Deepest Video

Entertainment library on the Internet



- Technically, conceptually, & creatively in-line with the direction of technology and our future

# Why Is This the "Cutting Edge" Investment of the Millennium?

● Takes the concept of "Interactive Advertisement" to another level

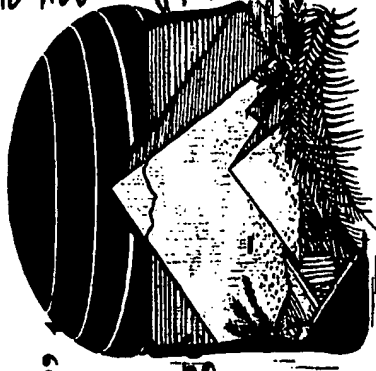
● Membership fee can be charged for digital storage space:

"My CoolMusicVideos.com "

"My CoolPlays-of-the-Day.com"

"My CoolCommercials.com"

● There are currently no competitors--"no muscling into a market."



# Why Is This the "Cutting Edge" Investment of the Millennium?

- Video entertainment from different countries can be archived, and translated into various languages, thus creating a global market.



- As Internet marketing increases courses on, online advertising will be taught using CoolTvNetwork.com as the primary trendsetter.



# Why Is This the "Cutting Edge" Investment of the Millennium?

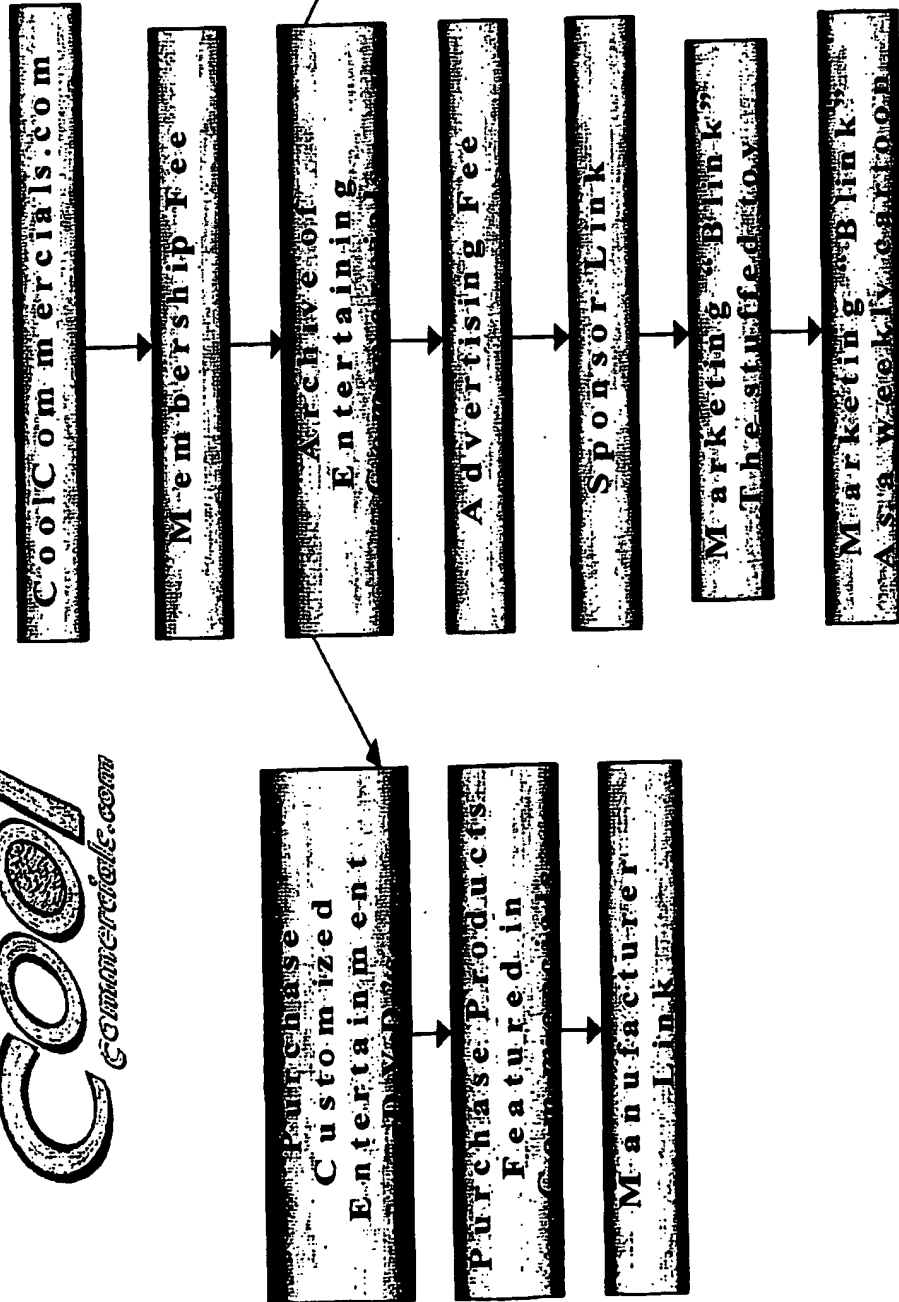
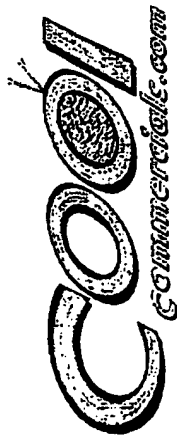


● Creating a future market for entrepreneurs starting businesses in improving Audio/Video on the Internet

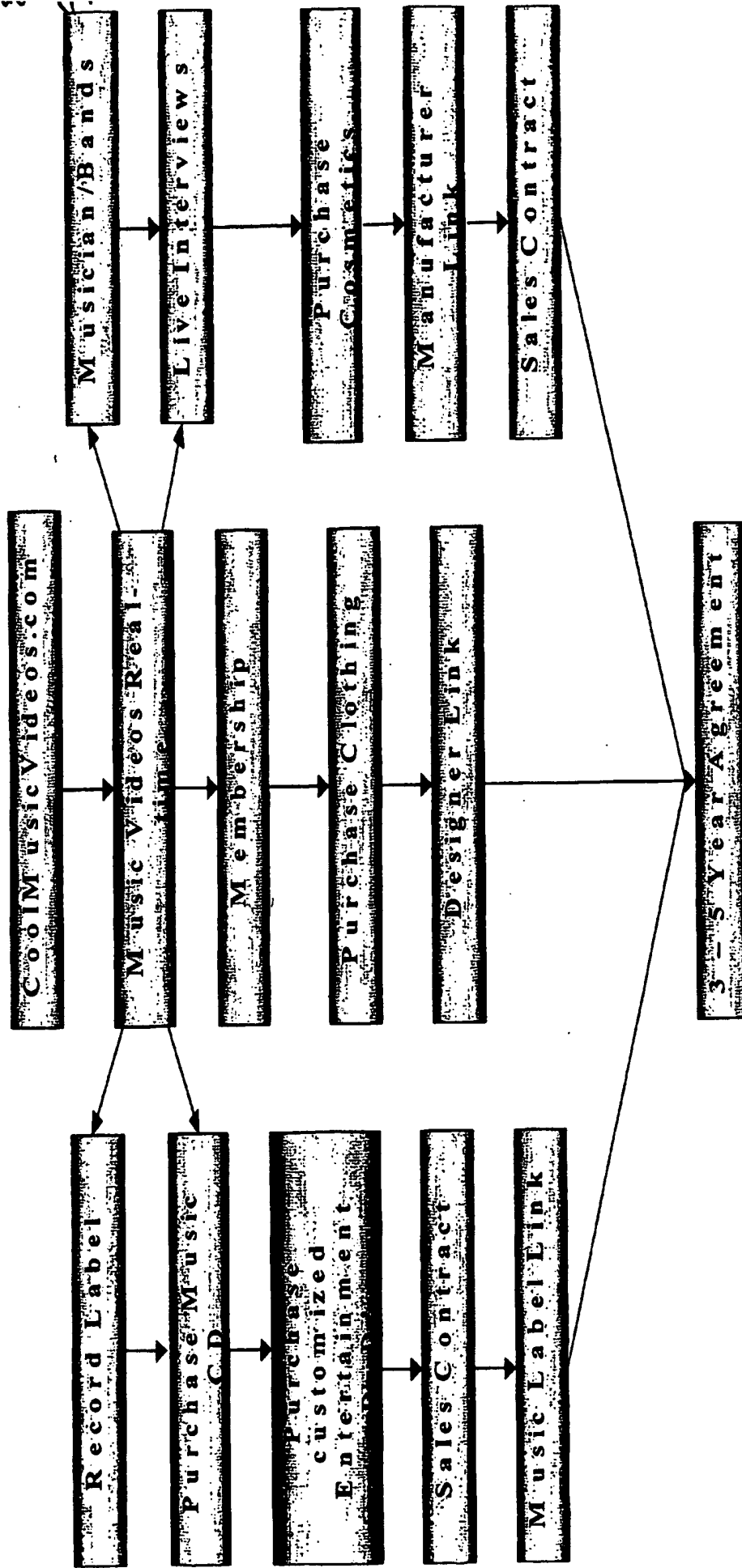
● CoolTvNetwork.com can generate income from selling custom DVD's, --Coolest Music Videos of the 80's, best Super bowl TV Commercials, Cool Plays-of-the-Day, and soon Cool Motion Pictures. . . etc



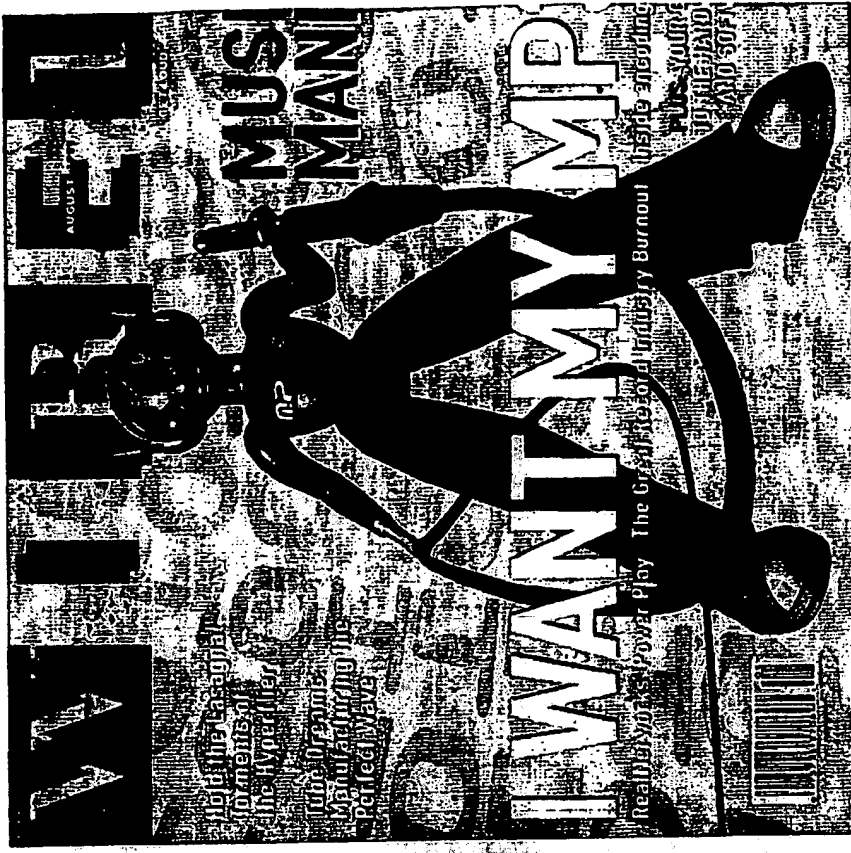
# Generating Revenue



# Generating Revenue



# So You Want Proof.



Andis Number 09/877,729 (wakefield)

# So You Want Proof.

GETTING THE BANK TO SAY YES! WE SHOW YOU HOW!

# STOCKS

**SPECIAL!**  
CASH IN ON  
GENERATION X

THE LEADING MAGAZINE FOR ENTREPRENEURS

MAY 1999

## Making a Killing on the Internet

Broadcast.com  
founders **Todd Wagner**  
and **Mark Cuban** are  
cornering the market  
on audio and video  
"streaming" over the Web.

## NETWORK NIGHTMARES

Let our IT experts  
network &...



STOCKS  
CASH IN ON  
GENERATION X  
MAY 1999  
\$4.95  
ISSN 1040-8347  
0000-0000-0000-0000



NETWORK MARKETING GOES TO SCHOOL  
ROAD SHOW GAFFES THAT WILL KILL YOUR DEAL

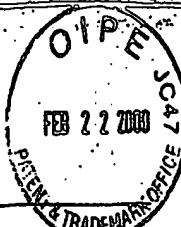
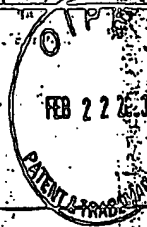
100-11111111 09/877-729 (wakefield)

## Disclosure Document Deposit Request

Mail to:

Box 00

Assistant Commissioner for Patents  
Washington, DC 20231



Inventor(s): FRANK A. WAKEFIELD

Title of Invention: Click Video Sheep software

Enclosed is a disclosure of the above-titled invention consisting of \_\_\_\_\_ sheets of description and \_\_\_\_\_ sheets of drawings. A check or money order in the amount of \$ 10 is enclosed to cover the fee (37 CFR 1.21(c)).

The undersigned, being a named inventor of the disclosed invention, requests that the enclosed papers be accepted under the Disclosure Document Program, and that they be preserved for a period of two years.

Signature of Inventor

Frank A. Wakefield

Typed or printed name

2.18.2000

Date

1731 N.W. 14th CT.

Address

Miami, Florida 33169

City, State, Zip

### NOTICE TO INVENTORS

It should be clearly understood that a Disclosure Document is not a patent application, nor will its receipt date in any way become the effective filing date of a later filed patent application. A Disclosure Document may be relied upon only as evidence of conception of an invention and it should be filed if possible as soon as possible to establish the date of invention.

Your Disclosure Document will be retained for two years after the date it was received by the Patent and Trademark Office (PTO) and will be destroyed thereafter unless it is referred to in a related patent application filed within the two-year period. The Disclosure Document may be referred to by way of a claim of benefit in a new patent application or by a separate claim in the pending application. Unless it is desired to have the PTO retain the Disclosure Document beyond the two-year period, it is not required that it be referred to in the patent application.

The two-year retention period should not be considered to be a "grace period" during which the inventor can wait to file his/her patent application without possible loss of benefits. It must be recognized that in establishing priority of invention an inventor or testerman relying on a Disclosure Document must usually also establish diligence in completing the invention or filing the patent application since the filing of the Disclosure Document.

If you are not familiar with what is considered to be "diligence" in completing the invention or preparing to present an application, or if you have other questions about patent matters, you are advised to consult with the attorney or agent registered to practice before the PTO. The publication, *Attorneys and Agents Registered to Practice Before the United States Patent and Trademark Office*, is available from the Superintendent of Documents, Washington, DC 20540. Patent attorneys and agents are also listed in the telephone directory of most major cities. Also, many large cities have associations of patent attorneys which may be consulted.

You are also reminded that any public use or sale in the United States or publication of your invention anywhere in the world more than one year prior to the filing of a patent application on that invention will preclude the granting of a patent on it.

Disclosures of inventions which have been understood and witnessed by persons other than the inventor or testerman may also be used to establish priority.

There is a nationwide network of Patent and Trademark Depository Libraries (PTDLs), which for reference materials available to the public, including electronic access to PTO databases. Full-text patents are available at the PTDLs, as well as the PTO's Web site at [www.uspto.gov](http://www.uspto.gov). If you, please consult the complete listing of all PTDLs that appears on the PTO's Web site or in a PTO's General Information Service at 800-PTO-9199 (800-786-9199) or 703-305-HELP (703-305-4357). If you are a PTDL member, you may wish to contact a PTDL prior to visiting to learn about its collections, services, and hours of operation.

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App Number 09/877,729 (Wakefield); GAN 21

1 OF 2

APP13 & REC1



FRANZ A. Wakefield  
17731 N.W. 14th CT  
Miami, FL 33169.

33169+4623

Appn Number 09/877,729 (Wakefield) G  
2 OF 2



Disney Interactive

Stephen M. Finney  
Senior Vice President  
and General Manager

August 30, 2001

Mr. Franz A. Wakefield, President  
Cool Cartoons.com Incorporated  
17731 N.W. 14th Court  
Miami, Florida 331169

Dear Mr. Wakefield:

I understand that you would like to show us your company's web accessible "iCOMPANION" called "IBOONKA!"™. In advance of our meeting on August 30, 2001, this letter is to confirm that our meeting is for discussion purposes only. You further understand that Disney Interactive, Inc. ("DI") is currently in development with a number of other companies regarding web accessible and downloadable tools and toys as companions for software games and that your proposal may be similar to others DI has currently in development or under discussion.

We look forward to speaking with you.

Yours sincerely,

Disney Interactive, Inc.

By: 

Steven M. Finney  
Senior Vice President and General Manager

Wakefield0830\_01.DOC

APP14 & REC1

Mailing Address: 510 South Buena Vista Street / Burbank, California 91521  
601 Redier Drive / Glendale, California 91201 / 818-553-5000 / Fax 818-567-0284

Part of the Magic of The  Company © Disney

101  
Appn Number 09/877,789 (Wakefield) GAU 2174





The Dow Chemical Company  
Midland, Michigan 48674

Franz A. Wakefield  
17731 North West 14<sup>th</sup> Court  
Miami, FL 33169

October 19, 2004

Dear Sir or Madam:

According to our records Franz A. Wakefield, social security number [REDACTED], was employed by The Dow Chemical Company or one of its subsidiaries from January 15, 1996 to May 18, 1996 in the Engrg - Tss department, with a job title of Alternate Term Co-op at the time of separation. Additionally, Mr. Wakefield was also employed by The Dow Chemical Company or one of its subsidiaries from January 20, 1997 to May 10, 1997 in the Chlor-Alkali department, with a job title of Alternate Term Co-op at the time of separation.

Sincerely,

**Michael F. Adomeit**

Employee Data Resource Center  
2020 Dow Center, I-01  
Midland, MI 48674 USA  
Phone: 989-636-3906  
Fax: 989-638-4974

### NOTARIAL CERTIFICATE

UNITED STATES OF AMERICA )  
STATE OF MICHIGAN ) SS  
County/Parish of Midland )

On this 19 day of October 2004, personally appeared before me,

**MICHAEL F. ADOMEIT**

known or identified to me to be the individual who executed the foregoing document and acknowledged the same as a free act and deed for uses and purposes therein expressed.

  
Notary Public  
JULIE M. TYRRELL  
Notary Public, Midland County, Michigan  
My Commission Expires April 09, 2007

**APP15 & REC1**

Appn: 09/877,729 (Wakefield) GAU 2174 1 OF 12



Kraft Foods

Shared Service Center

November 8, 2004

Mr. Franz Wakefield  
17731 NW 14<sup>th</sup> Court  
Miami, FL 33169

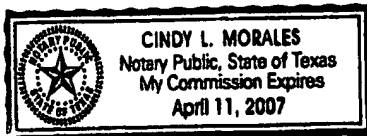
Dear Mr. Wakefield:

In response to your request for verification of employment, our records indicate that you were employed by Kraft Foods from June 3, 1996 through August 16, 1996 as a Summer Intern in the Desserts & Snacks Toppings department.

If you have any questions, please contact me at 1-800-KRAFT-HR, or directly at (210) 530-7525.

Caroline Benavides  
HR Facilitator

On the 8<sup>th</sup> day of November, 2004, Caroline Benavides  
personally appeared before me to execute this document for the purposes set forth herein.



APP15 & REC2

Appn: 09/877,729 (Wakefield) GAU 2174 2 OF 12

**Kraft Foods Technology  
1996 Intern Performance Review**

Intern Start Date: 6/1/96  
 Intern End Date: 8/16/96  
 (Check one) Midpoint Final x  
 Today's Date: 8/15/96

Intern Name Franz Wakefield

University University of Florida

Work Location Technology Center

Expected Degree and Date Chemical Engineering, TBD

Supervisor's Name and Title Lucinda Dishun, Research Engineer

**Part I**

<u><b>RESPONSIBILITIES AND PROJECTS</b></u> List those key areas for which the intern will be held responsible. Include major projects here.	<u><b>RESULTS EXPECTED</b></u> Use Measurable standards of performance vs. project / responsibility such as: %, \$, workdays, per week, # of units	<u><b>ACTUAL RESULTS</b></u>
Objective: <u>Remove granular sucrose from ECCW without impacting consumer's overall liking.</u> <ul style="list-style-type: none"> <li>• Field sensory evaluation to establish design experiment levels</li> <li>• Field design experiment</li> <li>• Produce CLT samples</li> </ul>	<ul style="list-style-type: none"> <li>• Meets established timing.</li> <li>• 7/31</li> <li>• 8/12</li> </ul>	
Objective: <u>Determine effects of pressure on CWF Emulsion using Rannie homogenizer.</u> <ul style="list-style-type: none"> <li>• Analyze gum breakdown and particle size reduction at various homogenization</li> </ul>	<ul style="list-style-type: none"> <li>• Quantify effects using viscosity and particle size distribution.</li> </ul>	



# UNIVERSITY OF FLORIDA

Ronald E. McNair Scholars Program  
Graduate Minority Programs  
Graduate School

P.O. Box 115500  
Gainesville, FL 32611-5500  
(352) 846-2575  
Fax: (352) 392-3773  
mcnair-scholars@ufl.edu  
<http://gradschool.rgp.ufl.edu/mcnair>

November 8, 2004

To Whom It May Concern:

This letter serves to verify that Mr. Franz Wakefield has had a 12 month research experience through the McNair Post-Baccalaureate Achievement Program. The Ronald E. McNair Scholars Program is a federally funded program that encourages undergraduate students to pursue graduate study. The McNair Scholars Program prepares talented undergraduate students for doctorate study by giving them the opportunity to engage in research, strengthen academic skills, and develop the student/faculty mentor relationships critical to success at the doctoral level.

Although I was not the director of the McNair program at the time, my records show that Mr. Wakefield participated as a scholar in 1997-1998. An obligation of the grant scholarship is to conduct a research study under the supervision of a University of Florida faculty member. Mr. Wakefield's mentor was Dr. Chang Won Park in Chemical Engineering. All scholars were also required to present their research findings at a culminating ceremony. Mr. Wakefield's research presentation was entitled, Pressure Drop Comparison for Random Packing of Uniform Spheres.

Please feel free to contact me should you need any further information.

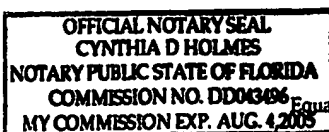
Sincerely,

Vivian I. Correa, Ph.D.  
Associate Dean of the Graduate School  
Director, McNair Scholars Achievement Program

Notary:

Date:

11-08-04



Equal Opportunity / Affirmative Action Institution

APP15 & REC3

Appn: 09/877,729 (Wakefield) GAU 217H- 4 OF 12

# Cordis

a Johnson & Johnson company

Cordis Corporation  
14201 N.W. 60th Avenue  
Miami Lakes, FL 33014  
Phone (305) 824-2000  
Fax (305) 824-2080

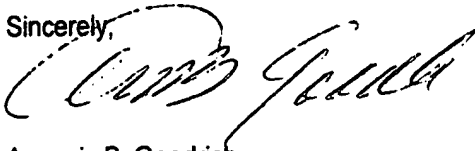
Mailing Address:  
P.O. Box 025700  
Miami, FL 33102-5700

February 19, 2003

To whom it may concern:

This letter will verify that Mr. Franz A. Wakefield, Social Security Number [REDACTED] was employed with Cordis, a Johnson and Johnson Company as a college intern, from May 18, 1998 through August 19, 1998. Mr. Wakefield was re-hired as a Product Development Engineer I on January 10, 2000 and was in this role through March 11, 2002. His ending base salary was \$53,400.00. If you need additional information, please call our office at 786-313-2771.

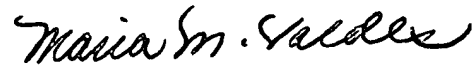
Sincerely,



Amneris B. Goodrich  
Administrative Assistant

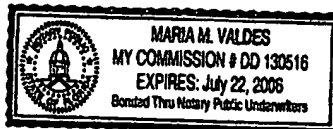
State of Florida  
County of Dade

Personally sworn before me this Wednesday, February 19, 2003, by Amneris B. Goodrich.



Notary Public

Personally known to me




APP15 & REC4

Appn: 09/877,729 (Wakefield) GAU 2174 5 OF 12

# EMAIL LOG

From : Roth, Eric [CRDUS] <ERoth@CRDUS.JNJ.com>  
Sent : **Friday, November 5, 2004 1:52 PM**  
To : "'Franz Wakefield'" <franzwakefield@hotmail.com>

⏏ | ⏏ | ✕ |  Inbox

Mr. Wakefield:

As I noted during our earlier conversation today, it is not consistent with Cordis' internal policies to provide you with the information you seek, although you are free to accurately represent on your resume the work you performed during your tenure at Cordis. As to your job title, Cordis' records indicate that you were a Product Development Engineer. Cordis does not note in its system any further detail regarding job titles such as "Management Rotational Product Development Engineer;" however, Cordis has no objection to you representing yourself as having had any such designation, to the extent it is true. Please let me know if we can be of further assistance.

Sincerely,

Eric Roth

-----Original Message-----

From: Franz Wakefield [mailto:franzwakefield@hotmail.com]  
Sent: **Tuesday, November 02, 2004 2:26 PM**  
To: ERoth@CRDUS.JNJ.com  
Subject: RE: URGENT

November 2, 2004

Mr. Roth:

Thank-you for the timely reply. The request is actually a correction to a previous letter that was sent to me by the company, the letter is dated February 19, 2003. It reads:

" February 19, 2003

To whom it may concern:

This letter will verify that Mr. Franz A. Wakefield, Social Security Number [REDACTED], was employed with Cordis, a Johnson and Johnson Company as a college intern, from May 18, 1998 through August 19, 1998. Mr. Wakefield was re-hired as a Product Development Engineer I on January 10, 2000 and was in this role through March 11,

Appn: 09/877,729 (Wakefield) GAU 2174 6 OF 12

2002. His ending base salary was \$53, 400. If you need additional information, please call our office at 786-313-2771.

Sincerely,

[signature of]

Amneris B. Goodrich  
Administrative Assistant

State of Florida  
County of Dade

Personally sworn before me this Wednesday, February 19, 2003, by Amneris B. Goodrich.

Maria M. Valdes [signature of]

Notary Public

Personally known to me"

\*\*\*\*What I am requesting is a correction and an addition to the letter. The correction should be the following:

My title as of January 10, 2000 was, and should read

1. Management Rotational Product Development Engineer

\*\*\*For confirmation of this title please visit my 1st performance review which was signed by Charles Goldberg and myself. It is dated 12/15/00\*\*\*

Also as an addition to the letter please include the rotations that I worked in as of that 1/10/00 date. It should read:

1. Jan. 2000 - June 2000 The microcatheters team (Pre-Shaped Prowler)  
---
2. July 2000 - Nov. 2000 The liquid embolic team (N-Butyl Cyanoacrylate)  
---
3. Dec. 2000 - March 2001 Production Supervisor for The Detachable Coil System Team  
---
4. March 2001 - Dec. 2001 The microcatheters team (The Next Generation Microcatheter Platform)  
---
5. Jan. 2002 - March 2002 The Neuro-Stent Project (BX Velocity), The Enterprise [Neuro Stent] Project, The Japan special catheter project, & The Elite Microcatheter project. This employment/experience verification is an urgent matter, and I request that the letters (5 original) be notarized as the first set was. PLEASE SEND TO THE

AppN: 09/877,729 (Wakefield) GAU 2174 7 of 12

Regards,

FRANZ A. WAKEFIELD  
PRESIDENT & CHIEF PRODUCT DESIGN ENGINEER  
COOLTVNETWORK.COM, INC.  
INTERNET AUDIO-VIDEO ENTERTAINMENT  
17731 NORTH WEST 14TH COURT  
MIAMI, FLORIDA 33169  
TELEPHONE: 305 + 624.3282  
FranzWakefield@hotmail.com

---

ALL INFORMATION CONTAINED IN THIS EMAIL IS CONFIDENTIAL, AND MEANT SOLELY  
FOR THE ABOVE INTENDED RECIPIENT. IF YOU HAVE RECEIVED THIS MESSAGE IN  
ERROR PLEASE DISCARD IT AND NOTIFY THE SENDER. THANK-YOU.

---

Appn: 09/8777, 729 (Wakefield) GAU 2174 8 OF 12



# FRANZ A. WAKEFIELD

## R&D → Product Development

17731 North West 14<sup>th</sup> Court Miami, Florida 33169

e-mail: [FranzWakefield@hotmail.com](mailto:FranzWakefield@hotmail.com)

PHONE: (305) + 624.3282

### Objective:

To obtain constant career growth by focusing on building team skills, material expertise, and a solid business sense, that will lay the foundation necessary for succeeding in a managerial position.

### Education:

THE UNIVERSITY OF FLORIDA

Gainesville, FL

B.S. CHEMICAL ENGINEERING

December 1999

Minor: BUSINESS ADMINISTRATION

- Lifetime member of the Golden Key International Honour Society
- Winner of The 1989 Congressional Art Competition

### Work History:

Aug. 99 – Nov.99

Research Fellow, The University of Florida  
Molecular Association in Micelles, Liquid Crystals and Microemulsions

Gainesville, FL

May 98 – Aug 98

Intern, in the Cardiology dept. of Cordis Corporation  
(a Johnson & Johnson co.)

Miami, FL

Patent disclosure: Implementation of automated UV adhesive procedure

May 97 – Aug 97

Ronald E. McNair Research Fellow

University of Florida

Pressure drop studies through Multi-dispersed Spherical Particles in Packed Columns

Jan. 97 – May 97

Co-Op Engineer, Dow Chemical co.

Freeport, TX

Chlor – Alkali Plant: Optimizing water recirculation discrepancies, and Plant troubleshooting

May 96 – Aug 96

Intern, Kraft Food Co.

Chicago, IL

Extra Creamy COOL Whip® Process Optimization, Product Reformulation, And Consumer Analysis Studies

Patent disclosure: Implementation of a protein complexing derivative

Jan 96 – May 96

Co-Op Engineer, Dow Chemical co.

Plaquemine, LA

Methoxy Cellulose Plant: Configuration of TDC 3000 operating interface to integrate with existing control system; for maximizing production, and operator's needs for efficient process control.

June 94 – Aug 94

Research Fellow---American Cancer Society

Shands Hospital

Quantization of HLA transcripts by Polymerase Chain Reaction & Single Strand Conformational Polymorphism Gel Electrophoresis from Cultured Lymphoblastoid Cells

### Computer Skills:

C/C++, MS Project, Excel, Minitab, DOE Pro, and TDC3000

GAU 2174 9 of 12

Appn: 09/877,729 (wakefield)

APP15 & REC5

**Hired at Cordis NeuroVascular Inc. (a *JOHNSON & JOHNSON* co.)  
as a [Management Rotational Product Development] Engineer**

**Cordis NeuroVascular Inc. Full-Time Experience.**

**Jan. 2000 – June 2000 (Product Development Engineer on The Pre-Shaped Prowler Project)**

**I.....[ANEURYSM AND VESSEL ACCESS].**

- Operated as a **Product Development Engineer** on the Pre-Shape Microcatheter project.
- Assisted with DOE experiments (collecting, compiling, and analyzing data)
- Assisted with the **Market Evaluation** of the Pre-Shaped Microcatheter Platform
  - a. Gathered marketing data from Canine studies held in **Boston, Massachusetts and New York, New York**. To complete the marketing analysis for the pre-shape microcatheter product platform.
  - b. Completed Market Evaluation and report outlining **Physician's Market Preference Study** of the Pre-Shaped Microcatheter Platform.

**July 2000 – Nov. 2000 (Product Development Engineer on The n-Butyl Cyanoacrylate Project)**

**II.....[ARTERIAL VENOUS MALFORMATION TREATMENT].**

- Collected, compiled, and analyzed data and reports for design review
- Assisted with DOE's and **Polymerization Studies** to determine a **Base-Line** for the product IFU (**Instructions For Use**)
- Assisted in the **training of 24 physicians in Cincinnati, Ohio** (Ethicon Endovascular Surgery Center) to use the **Liquid-Embolic System**.
  - a. Assembled **AVM models** and monitored flow rate through various **nidii**.
  - b. Assisted in component ratio mixtures (to obtain the correct viscosity for relevant **Nidii**—low, medium, and high flow).
- Supervised the manufacturing process for **Clinical Research Unit builds**.

**Dec. 2000 – March 2001 (Production Supervisor for (DCS) Detachable Coil System)**

**III.....[ANEURYSM OCCLUSION].**

- **Supervised ~ 30 employees** at Detachable Coil System delivery tube, and final assembly **Production Areas**.
- **Designed a Motivational & Achievement Program** to increase overall productivity. The program tallied productivity, motivation (based on performance), attendance, and safety in an effort to improve production rates.
- Created spreadsheets and tally boards that raised the awareness of operators in key reject areas; which raised production awareness and ultimately played a part in **Increasing Production Output** from ~ 150 to 400 units per week.

AppN: 09/877,729 (Wakefield) GAU 2174 10 OF 12

March 2001 – December 2001

**MICROCATHETERS (THE NEXT GENERATION PLATFORM)**

- Compiled research and made **Design Alternatives for The Next Generation Microcatheter Platforms**. The product design alternatives consisted of the following:
  - A. **Hydrophilic Coating Design Alternatives**
  - B. **Microcatheter Inner Liner Design Alternatives**
  - C. **Configured design alternatives for the microcatheter Outer Body Material Selection for Distal Shapeability & Varied Catheter Length Flexibility**
  - D. **Configured various catheter component Braid Reinforcement construction Designs that utilized the following:**
    - 1. Metal braid
    - 2. Polymeric braid
  - E. **Marker Band Design Alternatives**
    - 1. Radiopaque inks
    - 2. Dyes
    - 3. Fillers

**Product Development, Testing, and Market Release (January 2002 – March 2002)**

**A. CORONARY STENTS**

- Devised manual routers, quality procedures, operation procedures, and **Collaborated Interdependently** with CNV teams to complete the Engineering Order Builds for products' **First In Human Clinical Trials**. Assisted the Engineering team in New Jersey to build and complete the Engineering Order build for a **Neurovascular Product Platform**.

**B. NEURO STENTS (NEXT GENERATION PLATFORM)**

- Project Team support and assistance for **Engineering Stent Design, and Prototype Testing**.

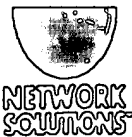
**C. SPECIAL MICROCATHETER PROJECT (JAPAN)**

- Project Team support and assistance with **Packaging Parameters and Logistically Ensuring Delivery of Units**.

**D. THE ELITE MICROCATHETER PROJECT**

- Project Team support and assistance with building **The Clinical Research Units for Market Release**.

Appn: 09/877,729 (wakefield) GAU 2174 11 OF 12



## InterNIC Registration Services

## Domain Registration/Renewal Invoice

Network Solutions, Inc.  
PO Box 17305  
Baltimore MD 21237-0525

Invoice Date: 16-Jun-99  
Tax ID: 52-1146119

Wakefield, Franz  
Cool Commercials.com  
2777 SW Archer Road Apt 2218  
Gainesville, FL 32603-1344

Invoice Number: <b>7565677</b>	Domain Name: <b>COOLCOMMERCIALS.COM</b>	
Due Date: <b>30-JUN-1999</b>	Period Covered: <b>25-MAY-1999 - 25-MAY-2001</b>	Amount Due: <b>\$70.00 US Dollars</b>
<p>Thank you for registering the Internet/World Wide Web domain name shown above. Timely receipt of payment will ensure registration services for the period noted above. By this payment, Registrant agrees to the terms and conditions of the current Domain Name Registration Agreement. This payment is non-refundable.</p> <p>To Pay By Credit Card We accept all major credit cards 24 hours per day, seven days a week. or Confirm Payment: Go to <a href="https://payments.networksolutions.com">https://payments.networksolutions.com</a> on the World-Wide Web to use Network Solutions' Secure On-Line Payment System.</p> <p>Or: Call (800) 771-3000 toll-free from the United States, Canada, Puerto Rico and the U.S. Virgin Islands. Outside of these areas, call (402) 463-9733.</p> <p>To Pay By Check: Make check payable to Network Solutions, Inc. in US Dollars, drawn on a US Bank, and return the check and payment stub in the enclosed remittance envelope.</p> <p>To Pay By Debit Account: Send e-mail to <a href="mailto:accounts@internic.net">accounts@internic.net</a> with the domain name, invoice number, and 16-digit Account Number you were assigned when you established your debit account.</p> <p>For billing inquiries, send e-mail to <a href="mailto:billing@internic.net">billing@internic.net</a>, or call (703) 742-4777 Monday through Friday from 7:00am to 9:00pm Eastern Time.</p>		
<p>Remarks: If you pay for multiple invoices with one check, please send all payment stubs with your check!</p>		
<p>8124438223 900075656777070003 52807</p>		

Retain this portion for your records

Detach this stub and return with payment  
Don't forget to write your invoice number(s) on your check!

NETWORK SOLUTIONS, INC.  
PO BOX 17305  
BALTIMORE, MD 21237-0525

PLEASE DO NOT WRITE ON STUBS



Make check payable to:  
Network Solutions, Inc.

Wakefield, Franz  
Cool Commercials.com  
2777 SW Archer Road Apt 2218  
Gainesville, FL 32603-1344

Invoice Number	Due Date	Amount Enclosed
7565677	30-JUN-1999	\$70.00 USD

By this payment, Registrant agrees to the terms and conditions of the current Domain Name Registration Agreement. This payment is non-refundable.

900075656777070003

APPN NUMBER 09/877,729 (Wakefield) GAU 2174 10F1

APPN: 09/877,729 (Wakefield) GAU 2174 12 OF 12

APP15 & REC6

SALIWANCHIK, LLOYD & SALIWANCHIK  
A Professional Association

2421 N.W. 41st Street

Suite A-1

Gainesville, Florida 32606-6669

Telephone 352-375-8100

Facsimile 352-372-5800

Roman Saliwanchik

(1926 - 1999)

ORLANDO OFFICE

1000 Legion Plaza, Suite 1750  
Orlando, FL 32801  
Telephone 407-426-7500  
Facsimile 407-839-8589

October 13, 1999

Mr. Franz Wakefield  
3324 W. University Ave, #121  
Gainesville, FL 32607

Via Facsimile

338-7562

CONFIRMATION

Re: Patent Inquiry

Dear Mr. Wakefield:

I enjoyed speaking with you regarding your invention. This letter explains some of the requirements and procedures related to the patenting process. Enclosed (with the confirmation copy of this letter) for your review is our firm résumé describing the qualifications of the attorneys at our firm as well as a copy of the U.S. Patent Office publication regarding patents.

A. Patentability of an Invention

The first step in the patenting process is to determine whether the invention (i.e., an article, machine, composition, or process) meets the requirements to be patentable. Under United States Patent law, in order for an invention to be patentable, the invention must be new, useful and non-obvious. By new, we mean that the identical, or substantially identical claimed invention is not disclosed in the prior art. The prior art is anything that is relevant to the issue of whether the invention is patentable, including, without limitation, patents, publications, advertising, promotional materials, and information as to whether the invention is known or has been used. As to useful, we mean that each claimed invention must have utility. With respect to non-obvious, we mean that even though a substantially identical claimed invention is not disclosed in the prior art, the claimed invention sought to be patented cannot be an obvious variation to one skilled in the particular field of invention or art to which the claimed invention pertains. Before a determination is made as to whether your invention is patentable, the prior art must be analyzed.

In addition to the statutory requirements for obtaining a patent discussed above, please note that you have one year from the date on which the invention is described in a printed publication or in public use or on sale in this country within which to file a patent application in the United States. With respect to patents in other countries, many foreign countries require that a patent application be on file before any public disclosure or sale of the invention. If you wish to preserve your rights to file an application in foreign countries, you should make sure that your application is on file before any public use, disclosure or sale of the invention.

APPN: 09/877, 729 (wakefield) GAU 2174 1 OF 6

## B. Patent Searching

You may wish to consider having a patentability search conducted for at least two reasons: (1) if the information revealed in the search suggests that your invention is unpatentable, then you may wish to reconsider filing an application in view of the expense associated with the preparation and filing of a patent application which may ultimately be denied; and (2) if the information revealed in the search does not destroy patentability, the search results will assist the patent attorney in determining the scope of your invention so that the patent application may be drafted in accordance therewith.

A patentability search is usually conducted by a professional searcher according to our instructions. We estimate the cost of performing a patentability search for Internet/computer related inventions by a professional searcher would be in the neighborhood of \$700-\$1000 including our fee for commissioning the search. Our fee for analyzing the search results and providing you with an opinion of patentability will vary based on the technology and the number of references located by the searcher. Generally, a written opinion of patentability ranges between \$800-\$1,500 or more. We can better estimate this cost after a detailed review of your technology.

## C. Patent Application Preparation and Prosecution

The fees for preparing and filing a patent application typically range from about \$3,500 to \$7,000 or more (including the government filing fees) depending on the complexity of the technology. Before we start work on an application, our office will provide you with a firm estimate which will not be exceeded, absent extraordinary circumstances or additional disclosures from the inventor not previously discussed.

An alternative to a regular utility application is a provisional application, which is similar to a regular utility application used to establish an early filing date. The government filing fee for a provisional application is \$75 to \$150 and our professional fees vary on the extent of the disclosure. In order to assure that the provisional contains the necessary disclosure, we often prepare provisionals exactly the same as regular utility applications, except we do not include the claim language. A provisional application is not examined and must be refiled as a regular utility application within one (1) year of filing. Please call us for more information regarding the effect of provisional filing.

Approximately six to twelve months from the filing date of a regular utility application, we can expect to receive an Office Action from the Patent Office setting forth certain rejections or objections of the application. If you instruct us to respond to the Office Action, the charges for our services in connection with the preparation of a response can range from about \$500 to \$2,000 or more depending upon the complexity of the issues raised in the Office Action. Failure to respond to an Action will result in abandonment of the application. If the application is allowed by the Patent

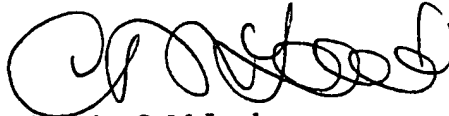
Appn: 09/877,729 (Wakefield) GAU 2174 2 OF 6

October 13, 1999

Office, an issue and processing fee will be payable shortly thereafter. Maintenance fees will be required periodically to maintain the patent.

Please let us know if we can be of further assistance. If you wish to schedule an appointment, our office charges an initial consultation fee of \$200.

Sincerely,



Christine Q. McLeod  
Registered Patent Attorney

CQM/jss  
Enclosure (as stated above)

SALIWANCHIK, LLOYD & SALIWANCHIK  
A PROFESSIONAL ASSOCIATION

CHRISTINE Q. MCLEOD  
REGISTERED PATENT ATTORNEY

2421 N.W. 41ST STREET  
SUITE A-1  
GAINESVILLE, FLORIDA 32606-6669

PH: (352) 375-8100  
FAX: (352) 372-8800

AppN: 09/877,729 (Wakefield) GAU 2174 3 of 6

# Technical Disclosures for Computer-Related Inventions: A Guide for Inventors

## I. Introduction

As an inventor, your participation in the patent application process is very important. In fact, in order to make the patenting process work smoothly and efficiently, the inventor should prepare a detailed technical disclosure of the invention to provide the patent attorney with the necessary information to prepare and file a patent application. However, there are strict requirements with respect to the technical disclosure necessary for patent applications of which most inventors are not aware. This document outlines these requirements for your technical disclosure.

## II. Statutory Requirements

In order to assist your patent attorney in preparing the technical disclosure for your application, you must ensure that the disclosure you provide includes a *complete and full description of the invention* in sufficient detail to enable a person skilled in the art to practice the invention without undue experimentation. According to Section 112 of the patent statutes, such a description must contain:

“... a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.”

As set forth in the statute referenced above, the description for the application must be sufficient in detail to enable reproduction of the invention by one skilled in the art without undue experimentation and it must provide the best mode of practicing the invention, including any drawings that may be required. Basically, your goal is to disclose clearly everything you can think of about your invention. In case of doubt as to whether or not to include an item of information, put it in. If you have several embodiments of your invention, make sure you include the “best” one. You ordinarily do not have to include dimensions, materials, brand names, or values of components, since the skilled artisan is expected to have a working knowledge of these items. However, if any of these are critical to the performance of your invention or are at all unusual, they must be included. (If in doubt, include specific information).

Appn: 09/877,729 (Wakefield) GAU 2174 4 OF 6



### III. Technical Description

The actual description is preferably organized by first describing the static physical structure of the invention and then describing in extensive detail the operation or function of the invention, and then, in certain cases, specific examples and/or results of operation of the invention. You should try to identify and include in the description alternate embodiments to assist your patent attorney in drafting claims of sufficient scope. You should use sketches and drawings where necessary to understand the invention (e.g., circuit diagrams, block diagrams, etc.) and refer to such in your description. Each of the parts in the figures should be numbered and a separate list of these reference numerals with the names of their respective parts should be included in a separate section for ease of reference. You should cover every part shown in the figures and be sure to use consistent terminology, but when you refer to a part for the first time, try to include several different equivalent names or alternatives to keep your description broad.

### IV. Computer/Software-Related Inventions

If your invention also includes computer software or code which may be patentable, in addition to describing the physical structure, you must also describe the software according to certain specific guidelines for computer-related inventions. To satisfy the disclosure requirement, the disclosure must enable a skilled artisan to configure the computer to possess the requisite functionality, and, where applicable, interrelate the computer with other elements to yield the claimed invention, without the exercise of undue experimentation. There are a number of ways to meet such requirements, but the most common are: (1) actual software code listings (object or source), and/or (2) flowcharts. However, no matter which of the above-listed ways you choose, you must also include an associated explanation in the written description.

#### A. Software Code Listings

If the program is already written, the easiest way to provide the necessary disclosure is to supply either the object code or source code listing as an appendix to the application. Copyright protection for such code listings may be retained, but trade secret protection is generally lost if you provide a source code listing. The object code listing, on the other hand, may adequately protect trade secrets in certain source code and may be preferable to frustrate potential competition (since the code is only readable by a machine and, therefore, cannot be modified by writing new code or changing instructions). The difficulty with object code listings, and often with source code listings which do not include programmer's comments, is that such listings do not provide a very good understanding of what the invention actually does nor do they provide any guidance to the patent attorney for drafting the claims. The attorney must rely on the associated written description provided by the programmer, which is often not structured or organized.

AppN: 09/877,729 (Wakefield) GAU 2174 5 OF 6

To make such code listings enabling, you will need to explain in the description how to implement the listing and any special instructions which may be necessary to implement the invention without undue experimentation (if not readily apparent). The explanation should detail how to configure the computer to perform the required function and interrelate with any other elements to yield the claimed invention. For instance, you should state what programming language the listing is in (e.g., C++), how to use it to control the computer or microprocessor, what type of computer or microprocessor to use it with (e.g., Pentium II), and what hardware should be connected to the computer, both on the input and output sides as necessary.

### B. Flowcharts

If you choose not to include source code or object code listings, or wish to supplement such listings, you should provide a detailed flowchart. In fact, most patent attorneys and patent examiners prefer flowcharts. The advantage of flowcharts is that they often provide the backbone for writing the claims and can be readily referred to by both the patent attorney during drafting and by the examiner during examination.

The flowchart must be complete and detailed enough to enable any reasonably skilled programmer to write a program, using only routine skills. The flowchart will be adequate even if it would take a programmer several months to write the program, so long as only routine skill and not extraordinary effort will be involved. Unfortunately some nonprocedural programs simply do not fit the flowchart mold (e.g., object oriented or event-driven programs). Another disadvantage in lengthy programs is that the flowcharts may overflow onto separate sheets, making them difficult to follow. Other notations, similar to flowcharts, may be utilized when the program cannot be represented by flowcharts, such as program network charts, system resources charts, entity-relationship diagrams, object diagrams, object-oriented notation, etc. If an alternate notation better suits your program, you must make sure such alternate notations are not obscure, otherwise, an explanation of the notation will also be required.

As previously stated, no matter which way you choose to disclose the software, an associated explanation in the written description is required. When explaining flowcharts, it is best to number each process symbol and then describe the function it performs.

### V. Conclusion

Keep in mind that including details and alternatives can prove vital later if you have to rely on these in order to support and distinguish your invention over a close prior art reference cited by the examiner. You should be especially sure to expand your description in areas where you feel that your invention is novel over the prior art.

Once your technical description is prepared, keep in mind that new discoveries or methods related to the invention should be continuously disclosed to the patent attorney as soon as possible so that this information can be included in the application, if necessary, to provide the broadest scope possible.

FACSIMILE COVER SHEET

SALIWANCHIK, LLOYD & SALIWANCHIK

A Professional Association

2421 N.W. 41st Street

Suite A-1

Gainesville, FL 32606

Telephone (352) 375-8100

Facsimile (352) 372-5800

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipient(s) named below. This message may be an attorney-client communication, and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message by mail. Thank you.

TO: Franz A. Wakefield, President

COMPANY: CoolTVNetwork.com

FAX NO.: 305-512-6480

NUMBER OF PAGES (INCLUDING COVER SHEET): 4

FROM: Christine Q. McLeod

DATE: March 1, 2000

SUBJECT/MESSAGE: Our Docket No.: CTN-MISC

If you do not receive all pages or if any transmission is not legible, call the sender at (352) 375-8100.

\\:\Docket\FAX\wakefield.cqn.wpd\DNB\jss

APP16 & REC2

Appn Number 09/877,729 (Wakefield) GAU 2174  
1 OF 4

SALIVANCHIK, LLOYD & SONS  
A Professional Association

2421 N.W. 41st Street

Suite A-1

Gainesville, Florida 32606-6669

Telephone 352-375-8100

Facsimile 352-372-5800

Roman Salivanchik  
(1926 - 1999)

ORLANDO OFFICE

1800 Legion Place, Suite 1750  
Orlando, FL 32801  
Telephone 407-426-7500  
Facsimile 407-429-8549

February 29, 2000

Franz A. Wakefield, President  
CoolTVNetwork.com  
17731 N.W. 14th Ct.  
Miami, FL 33169

Via Facsimile  
(305) 512-6480

Re: Agreement for Legal Services for:  
ClickVideoShop software  
Our File No. CTN-MISC

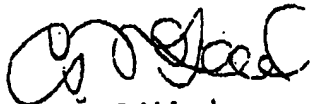
Dear Franz:

We are pleased that you expressed an interest in retaining our firm to handle your patent matters. To that end, please find enclosed an Agreement for Legal Services for your review and execution. Upon receipt of the signed Agreement and the fee specified therein, we will commission a search for your technology. You should keep a copy of the executed Agreement for your records.

As we discussed, we estimate the cost of performing a patentability search for your invention by a professional searcher would be in the neighborhood of \$700 including our fee for commissioning the search. We request an advance retainer of \$400 prior to commissioning the search. The balance, if any, will be billed to you upon our receipt of the search from our searcher. Please note that this estimate does not include our fee for analyzing the search results or providing you with an opinion of patentability, which would be billed at an hourly rate of \$200 per hour. We will not review the results nor prepare an opinion without your express instructions.

Please let us know if you have any questions or comments. We look forward to working with you.

Sincerely,

  
Christine Q. McLeod

CQM/jss

Enclosure (as stated above)

\\C:\DOC\pat\doc-1474\1474.pat\DNH\cqm

GAU 2174  
(Wakefield)  
2 OF 4  
Appn Number (09/877,729)

## Agreement For Legal Services

I, the undersigned client, do hereby retain and employ Saliwanchik, Lloyd & Saliwanchik A Professional Association, 2421 N.W. 41st Street, Suite A-1, Gainesville, Florida 32606, as my attorneys to represent me for the purposes of securing intellectual property protection (patent/trademark) for my invention/product.

I agree to pay Saliwanchik, Lloyd & Saliwanchik the amount of \$400.00 as an advance for services to be rendered and expenses incurred. I understand that the funds advanced pursuant to this agreement will be placed into an interest bearing IOTA account (Interest on Trust Account) and that the interest will be forwarded to the Florida Bar Foundation as required by the Florida Rules of Professional Conduct. I understand that I will not receive interest on the advance I am providing.

I understand that Saliwanchik, Lloyd & Saliwanchik will, on a periodic basis, bill me for the services rendered and expenses incurred, and that I shall have ten (10) working days in which to contest any bill. I understand that, after said ten (10) working days, Saliwanchik, Lloyd & Saliwanchik will consider the amount billed to have been fully earned and will then transfer the billed amount from the fees advanced into its general operating fund as payment for services rendered and expenses incurred. I further acknowledge that when the amount provided as an advance has been exhausted, I will, within thirty (30) days, provide the difference between monies on hand as advanced and the additional billed amount. Alternatively, or additionally, Saliwanchik, Lloyd & Saliwanchik may require that I keep a minimum balance in the trust account if ongoing work is contemplated. Saliwanchik, Lloyd & Saliwanchik will provide me with an accounting of my outstanding balance on a periodic basis and will return to me any unearned amount of the advance upon conclusion of the representation.

Appn Number 09/877, 729 (wakefield) GAU  
3 OF 4

I agree that any attorney in the firm may be designated to perform services for me under this agreement.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Client Signature: \_\_\_\_\_

Name (Typed): Mr. Franz A. Wakefield

Address: 17731 N.W. 14th Court

Miami, FL 33169

Telephone No.: (305) 512-6489

The above employment is hereby accepted upon the terms stated herein for:

Saliwanchik, Lloyd & Saliwanchik  
A Professional Association

Attorney: \_\_\_\_\_

Name (Typed): Christine Q. McLeod

App's Number 09/877,729 (Wakefield) GAI  
4 OF 4

FAX COVER SHEET

SALIWANCHIK, LLOYD & SALIWANCHIK

A Professional Association  
2421 N.W. 41st Street  
Suite A-1  
Gainesville, FL 32606

Telephones (352) 375-8100  
Facsimile (352) 372-6800

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named below. This message may be an attorney-client communication, and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message by mail. Thank you.

TO: Mr. Franz Wakefield, President

COMPANY: CoolTVNetwork.com

FAX NUMBER: (305) 512-6480

NUMBER OF PAGES (INCLUDING COVER SHEET): 3

FROM: Christine Q. McLeod

DATE: March 6, 2000

SUBJECT/MESSAGE: Our Docket No. CTN-MISC

If you do not receive all pages or if any transmission is not legible, call the sender at (352) 375-8100.

AppN: 09/877,729 (Wakefield) GAU 2174 OA OF 19

APP16 & REC3

**SALIWANCHIK, LLOYD & SALIWANCHIK**  
A Professional Association

ORLANDO OFFICE  
1000 Legion Ferry, Suite 1750  
Orlando, FL 32801  
Telephone 407-476-9500  
Facsimile 407-839-8583

2421 N.W. 41st Street  
Suite A-1  
Gainesville, Florida 32606-6669  
Telephone 352-375-8100  
Facsimile 352-372-5800

Roman Salivanchik  
(1926 - 1999)

March 6, 2000

Franz A. Wakefield, President  
CoolTVNetwork.com  
17731 N.W. 14th Ct.  
Miami, FL 33169

**VIA FACSIMILE**  
(305) 512-6480

Re: Our Docket No. CTN-MISC

Dear Franz:

Further to my telephone message of today, we have recently discovered that our firm may have a conflict of interest with a former client of our firm with respect to your particular technology. Therefore, after careful consideration, we have determined that we must decline representation in this matter.

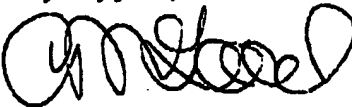
We heartily encourage you, and in fact urge you, to consult other legal counsel of your choice. Attached is a list of just a few software patent attorneys in South Florida who may be able to assist you.

We will return to you under separate cover all original documents which you have provided us and will destroy any of our own internal work product.

Please understand that our determination of non-representation is solely based upon ethical considerations imposed upon us by the Bar and is not indicative of the patentability of your technology.

Thank you for considering our firm. We wish you well in your future pursuits.

Very truly yours,



Christine Q. McLeod

CQM/na  
Enclosure (as stated above)  
cc: David R. Salivanchik, Esq.  
Jeff Lloyd, Esq.

Appn: 09/877,729 (Wakefield) GAU 2174 08 OF 19



Robert C. Kain, Jr.  
Robert C. Kain, P.A.  
Courthouse Law Plaza  
750 Southeast Third Avenue, Suite 100  
Fort Lauderdale, FL 33316-1153  
Broward County  
Telephone: 954-768-9002  
Toll Free: 800-846-0900  
Telephone: 305-530-9100 (Miami-Dade County)  
Facsimile: 954-768-0158  
Web-Site: <http://www.rekain.com>

\* David P. Lhotz  
Bowen Lhotz & Fittell, P.A.  
1000 West McNab Road  
Pompano Beach, FL 33069  
Broward County  
Telephone: 954-785-5775  
Facsimile: 954-785-7749  
Email: [dpl@blf-law.com](mailto:dpl@blf-law.com)

\$ 1000 - 1500 ⇒ PROVISIONAL app.

⇒ Paula.

Jackie's front desk.

- need
- description of problem
  - Invention + solve problem
  - how runs routines + subroutine.
  - How it works with drawing.

Steven M. Greenberg  
Quarles & Brady, L.L.P.  
222 Lakeview Avenue, 4th Floor  
West Palm Beach, FL 33401  
Palm Beach County  
Telephone: 561-653-5000  
Facsimile: 561-653-5333  
Email: [sg9@quarles.com](mailto:sg9@quarles.com)  
Web-Site: <http://www.quarles.com>

David K. Friedland  
Lott & Friedland, P.A.  
255 Alhambra Circle, Suite 555  
Miami, FL 33134  
Dade County  
Telephone: 305-448-7089  
Facsimile: 305-446-6191  
Email: [dkfriedland@patentfla.com](mailto:dkfriedland@patentfla.com)  
Web-Site: <http://www.patentfla.com>

Quoted  
\$ 3000 - 4000  
for full application

DC OF 19

Appn: 09/877,729 (WAKEFIELD) GAU 2174

FACSIMILE COVER SHEET

**SALIWANCHIK, LLOYD & SALIWANCHIK**

A Professional Association

2421 N.W. 41st Street

Suite A-1

Gainesville, FL 32606

Telephone (352) 375-8100

Facsimile (352) 372-5800

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**TO:** Franz Wakefield

**FAX NO.:** (305) 512-6480

**NUMBER OF PAGES (INCLUDING COVER SHEET):** 19

**FROM:** Christine Q. McLeod

**DATE:** March 9, 2000

**SUBJECT/MESSAGE:** CTN-MISC

Enclosed are copies of the documents you requested.

If you do not receive all pages or if any transmission is not legible, call the sender at (352) 375-8100.

Appn Number 09/877,729 (Wakefield) GAU 2174  
1 OF 19

From: Shannon Audette  
To: Christine McLeod  
Date: 3/1/00 9:08AM  
Caller: Franz Wakefield  
Phone: 305-512-8489

☒ Telephoned  
☐ Will call again  
☐ Wants to see you  
☐ Urgent

☐ Please call  
☐ Returned your call  
☐ Came to see you

Re: Reconsidering a professional patent search. Funds for company are scarce and he will be doing some research on his own. He would like to go ahead directly with the patent.

Appn Number 09/877,729 (Wakefield) GAU 2174  
2 6F 19

## A Professional Association

**2421 N.W. 41st Street**

## Swine A-1

**Gainesville, Florida 32606-6669**

**Telephone 352-375-8100**

**Facsimile 352-372-5800**

**ORLANDO OFFICE**

1000 Lyndon Place, Suite 1750  
Orlando, FL 32801  
Telephone 407-426-7500  
Facsimile 407-839-8581

## Роман Савицкий

1926. 1927

February 29, 2000

**Franz A. Wakefield, President**

**CoolTvNetwork.com**

17731 N.W. 14th Ct.

**Miami, FL 33169**

Via Facsimile

(305) 512-6480

Re: Agreement for Legal Services for:  
ClickVideoShop software  
Our File No. CTN-MISC

Dear Franz:

We are pleased that you expressed an interest in retaining our firm to handle your patent matters. To that end, please find enclosed an Agreement for Legal Services for your review and execution. Upon receipt of the signed Agreement and the fee specified therein, we will commission a search for your technology. You should keep a copy of the executed Agreement for your records.

As we discussed, we estimate the cost of performing a patentability search for your invention by a professional searcher would be in the neighborhood of \$700 including our fee for commissioning the search. We request an advance retainer of \$400 prior to commissioning the search. The balance, if any, will be billed to you upon our receipt of the search from our searcher. Please note that this estimate does not include our fee for analyzing the search results or providing you with an opinion of patentability, which would be billed at an hourly rate of \$200 per hour. We will not review the results nor prepare an opinion without your express instructions.

Please let us know if you have any questions or comments. We look forward to working with you.

**Sincerely,**

Engel

**Christine Q. McLeod**

**CQM/jss**

Enclosure (as stated above)

17: DOC portuera aethiopia, apud D. B. C. 1971

Appn Number 09/877, 729 (wakefield) GAU  
3 OF 19

## Agreement For Legal Services

I, the undersigned client, do hereby retain and employ Saliwanchik, Lloyd & Saliwanchik A Professional Association, 2421 N.W. 41st Street, Suite A-1, Gainesville, Florida 32606, as my attorneys to represent me for the purposes of securing intellectual property protection (patent/trademark) for my invention/product.

I agree to pay Saliwanchik, Lloyd & Saliwanchik the amount of \$400.00 as an advance for services to be rendered and expenses incurred. I understand that the funds advanced pursuant to this agreement will be placed into an interest bearing IOTA account (Interest on Trust Account) and that the interest will be forwarded to the Florida Bar Foundation as required by the Florida Rules of Professional Conduct. I understand that I will not receive interest on the advance I am providing.

I understand that Saliwanchik, Lloyd & Saliwanchik will, on a periodic basis, bill me for the services rendered and expenses incurred, and that I shall have ten (10) working days in which to contest any bill. I understand that, after said ten (10) working days, Saliwanchik, Lloyd & Saliwanchik will consider the amount billed to have been fully earned and will then transfer the billed amount from the fees advanced into its general operating fund as payment for services rendered and expenses incurred. I further acknowledge that when the amount provided as an advance has been exhausted, I will, within thirty (30) days, provide the difference between moneys on hand as advanced and the additional billed amount. Alternatively, or additionally, Saliwanchik, Lloyd & Saliwanchik may require that I keep a minimum balance in the trust account if ongoing work is contemplated. Saliwanchik, Lloyd & Saliwanchik will provide me with an accounting of my outstanding balance on a periodic basis and will return to me any unearned amount of the advance upon conclusion of the representation.

Appis Number 09/877,729 (wakefield)  
GFA 2174 4 of 19

I agree that any attorney in the firm may be designated to perform services for me under this agreement.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Client Signature:

Name (Typed): Mr. Franz A. Wakefield

Address: 17731 N.W. 14th Court

Miami, FL 33169

Telephone No.: (305) 512-6489

The above employment is hereby accepted upon the terms stated herein for:

Saliwanchik, Lloyd & Saliwanchik  
A Professional Association

Attorney:

Name (Typed): Christine Q. McLeod



Appn Number 09/877,729 (Wakefield)  
GAU 2174  
5 OF 19

From: Shannon Audette  
To: Christine McLeod  
Date: 2/25/03 12:04PM  
Caller: Franz Wakefield  
Phone: 305-512-6489

☐ Telephoned  
☐ Will call again  
☐ Wants to see you  
☐ Urgent

☐ Please call  
☐ Returned your call  
☐ Came to see you

Did you receive the outline? He is eager to begin with the next step.

2/25 - 12:09 AM - Rd call. Confirmed receipt  
of message. Passed info along to CM  
& he will get back to you sometime next  
week. *js*

Appn Number 09/877,729. (Wakefield)  
CAU 2174  
6 OF 19

From: Amy Ashley  
To: Christine McLeod  
Date: 2/23/00 11:03AM  
Caller: Franz Wakefield  
Phone: 305-512-8489

pasted in.

☐ Telephoned  
☐ Will call again  
☐ Wants to see you  
☐ Urgent

☒ Please call  
☐ Returned your call  
☐ Came to see you

wondered if you received his letter re: characteristics of his invention

PLC 2/23 left msg - as I did  
not receive anything recently.

Appn Number 09/877,729  
(Wakefield) GAU 8174

7 OF 19





February 18, 2000

Christine Q. McLeod  
Saliwanchik, Lloyd & Saliwanchik  
2421 N.W. 41<sup>st</sup> Street, Suite A-1  
Gainesville, Florida 32606-6669

FEB 22 2000

App. Number 09/877,72  
(Wakefield) GAU 2174  
8 OF 19

Christine,

Enclosed is the information you requested regarding the details of the invention, some related patents, and our differentiation. I have sent the disclosure deposit forms with the appropriate fee. Please advise me on your ideas on completing a professional search.

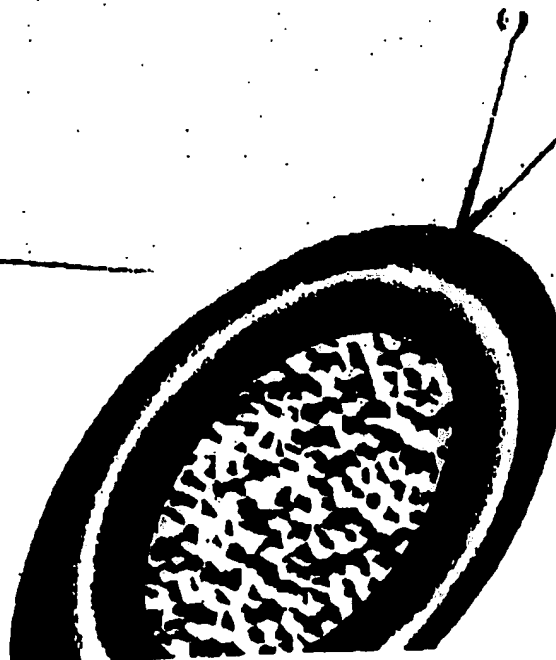
Is it safe to assume that a professional patent search is the best course to take if we intend on patenting around similar patents?

Please get back in touch with me regarding this matter so we can take the appropriate steps in an expedient fashion.

Best Regards,

Franz A. Wakefield  
President  
COOLTVNetwork.com

Internet Audio-Video Entertainment



#### INTRODUCTION SUMMARY

The purpose of this document is to describe the purpose and methodology of the ClickVideoShop software. In conjunction with prerecorded video, this software is a key component in providing an immersive and interactive user experience via the internet. The ClickVideoShop software is written in the Java programming language, which allows the ClickVideoShop experience to be enjoyed on a wide variety of computing platforms. The ClickVideoShop software facilitates the use of a video source as a conduit to accessing related information. The prerecorded video provides the foundation to engage the user in the content of the web site. The ClickVideoShop software uses "hot spots," or areas in the video playback area delineated by outlines or shading, as visual cues to alert the user that clicking within the hot spot gives them access to additional information. This is analogous to a hypertext link being highlighted in an HTML when the cursor moves over it. The type and delivery of the additional information is user-controlled by a menu bar displayed at the top or bottom of the area where the video is playing. Clicking on options in the menu bar determines what action is taken when the user clicks on a hot spot. The software currently supports four modes: "ClickVideoShop", where clicking on a hot spot adds the item to the user's shopping cart, "Entertain" mode, where clicking on the hot spot opens another movie in another browser, "Link", where clicking on a hot spot opens another web page, and "Bid", which enters a bid for the item into the specified bidding system. A hot spot must support at least one of these modes, and can support all four if desired. The software provides for a virtually unlimited number of associations between video and internet-accessible information since the extensibility of the menu bar allows code to support additional relationships to be added. For example, during playback of a music video, a hot spot could load in-depth product or performer information, a bid submission form, or an additional movie. The hot spot is also defined by the time during video playback when it is active. A hot spot is activated when the user moves the cursor into the hot spot's area at a point in time within the interval in which the hot spot is specified to be active or when the object on the screen is illuminated, outlined, or shaded. An active hot spot is one in which the perimeter of its area is visible, or the area has been shaded. The information to define a hot spot, which includes its area within the video playback area, the additional information it references, and its begin and end activation time is specified in a data file, which is loaded when the video is loaded and may contain as many hot spot definitions as necessary. When the video reaches the end, the data file also specifies whether or not playback of the video should start again at the beginning.

Appn Number 09/877, 72  
(wakefield) GAU 2174  
9 of 19

## Summary of the HTML and Data File Contents

The HTML document loaded by the web browser contains tags that specify:

- 1.) The path to a Java applet containing the object code necessary to execute the claims specified in the patent
- 2.) The path to the video file that the applet will play.
- 3.) The path to a data file that contains variables used to create objects that contain the information needed to represent areas on the screen, called "hot spots", in software.

The data file contains tags that specify:

- 1.) Whether the movie should only play once or continue to loop.
- 2.) The URL of the web page to open when the object is clicked.
- 3.) A signature that uniquely identifies an item so that it can be added to a shopping cart when the object is clicked.
- 4.) The URL of a movie to play when the object is clicked.
- 5.) A signature that uniquely identifies an item such that a bid for it can be entered into a bidding system when clicked.

Tag (1) is required, and at least one of (2)-(5) must be specified

### Discussion of Related Patents

*5,918,012: Hyperlinking time-based data files*

Embeds movies into another file type

Doesn't state that it uses hot spots

Doesn't load the data file at startup - consults it on every click

*5,708,845: System for mapping hot spots in media content for interactive digital media program*

Uses the term hot spot explicitly

States that the data file is separate from the movie

Doesn't talk about only linking to web pages- talks about linking to additional types of data. However, they don't discuss the user having the ability to change the type of information the hot spot links to, or having a hot spot link to multiple types of information

*Microsoft Developer Article: AVI Files with Hot Spots*

[http://msdn.microsoft.com/library/technet/msdn\\_avihot.htm](http://msdn.microsoft.com/library/technet/msdn_avihot.htm)

*5,539,871: Method and system for accessing associated data sets in a multimedia environment in a data processing system*

Talks about associating data with elements in a multimedia presentation.

Talks about using graphical cues to indicate a hyperlink

Appn Number 09/877,712  
(Wakefield) GAU 2/17/4  
10 of 19

5,970,504: Moving image anchoring apparatus and hypermedia apparatus which estimate the movement of an anchor based on the movement of the object with which the anchor is associated  
Talks about time intervals in which the hyperlink is active  
Very verbose - didn't get a chance to finish reading through it

Appo Number 09/8477, 72  
(Wakefield) GAU 2174  
11 OF 19

From: Amy Ashley  
To: Christine McLeod  
Date: 2/17/00 10:43AM  
Caller: Franz Wakefield  
Phone: 305-512-6489

CTN-MISC  
(pat ing).

☐ Telephoned  
☐ Will call again  
☐ Wants to see you  
☐ Urgent

☐ Please call  
☐ Returned your call  
☐ Came to see you

questions re: document disclosure request; he's unsure how detailed he should be regarding the description of his invention since the document offers no protection (he's conducting an experiment today, so he may need to call you back)

fax - 305-512-6489

Appo Number 09/877,720  
(wakefield) GAU 2/17/00  
12 OF 19

PLC left msg.  
PLC 2/29/00 -

\* \$100 deposit & eval → \$700

\* \$2000 minimum 3000-4000  
unless inventor provides entire  
technical description, then can  
be about \$1000-2000.

\* try to get faster than 3-5 weeks.  
(Just file 5-10 day turnaround).

A Professional Association

2421 N.W. 41st Street

Suite A-1

Gainesville, Florida 32606-6669

Telephone 352-375-8100

Facsimile 352-372-5800

ORLANDO OFFICE

1000 Legato Place, Suite 1750  
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Roman Saliwanchik  
(1936 - 1999)

February 14, 2000

Franz A. Wakefield, President  
CoolTVNetwork.com  
17731 N.W. 14th Ct.  
Miami, FL 33169

Re: United States Patent and Trademark Office Document Disclosure Program  
Our Docket No.: CTN-MISC

Dear Franz:

Enclosed for your review are copies of the Patent Office's guidelines regarding the Disclosure Document Program. As part of the documentation of the conception of your invention, you may wish to utilize this program. If so, please complete the form and mail it to the Patent Office as addressed in the upper left-hand corner of the form along with a detailed description of your invention, a check in the amount of \$10 made payable to the "Assistant Commissioner for Patents" and a self-addressed, stamped return postcard to acknowledge receipt.

This document provides no patent protection nor does it serve as a "grace period" prior to filing your application. This program merely serves as additional evidence of the date of conception of an invention and must be referenced in a later filed patent application within two years.

If you have any questions, please do not hesitate to call.

Very truly yours,



Christine Q. McLeod

CQM/aa

Enclosure (as stated above)

Appn. Number 09/877,720  
(Wakefield) GAU 2174  
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## Disclosure Document Deposit Request

**Mail to:**

Box 00  
Assistant Commissioner for Patents  
Washington, DC 20231

Inventor(s) \_\_\_\_\_

Title of invention: \_\_\_\_\_

Enclosed is a disclosure of the above-titled invention consisting of \_\_\_\_\_ sheets of description and \_\_\_\_\_ sheets of drawings. A check or money order in the amount of \_\_\_\_\_ is enclosed to cover the fee (37 CFR 1.21(c)).

The undersigned, being a named inventor of the disclosed invention, requests that the enclosed papers be accepted under the Disclosure Document Program, and that they be preserved for a period of two years.

Signature of inventor \_\_\_\_\_

Address \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Date \_\_\_\_\_

City, State, Zip \_\_\_\_\_

### NOTICE TO INVENTORS

It should be clearly understood that a Disclosure Document is not a patent application, nor will its receipt date in any way become the effective filing date of a later filed patent application. A Disclosure Document may be relied upon only as evidence of conception of an invention and a patent application should be diligently filed if patent protection is desired.

Your Disclosure Document will be returned for two years after the date it was received by the Patent and Trademark Office (PTO) and will be destroyed thereafter unless it is referred to in a related patent application filed within the two-year period. The Disclosure Document may be referred to by way of a later or transmittal in a new patent application or by a separate later filed in a pending application. Unless it is desired to have the PTO retain the Disclosure Document beyond the two-year period, it is not required that it be referenced in the patent application.

The two-year retention period should not be considered to be a "grace period" during which the inventor can wait to file a patent application without possible loss of benefits. It must be recognized that in establishing priority of invention an affidavit or testimony referring to a Disclosure Document must usually also establish diligence in completing the invention or in filing the patent application with the filing of the Disclosure Document.

If you are not familiar with what is considered to be "diligence in completing the invention" or "reduction to practice" under the patent law or if you have other questions about patent matters, you are advised to consult with an attorney or agent registered to practice before the PTO. The publication, *Attorneys and Agents Registered to Practice Before the United States Patent and Trademark Office*, is available from the Superintendent of Documents, Washington, DC 20540. Patent attorneys and agents are also listed in the telephone directory of most major cities. Also, many large cities have associations of patent attorneys which may be consulted.

You are also reminded that any public use or sale in the United States or publication of your invention anywhere in the world more than one year prior to the filing of a patent application on that invention will prohibit the granting of a patent on it.

Disclosure of inventions which have been understood and witnessed by persons and/or reduced to other examples of invention which may also be used to establish priority.

There is a nationwide network of Patent and Trademark Depository Libraries (PTDLs), which have collections of patents and patent-related reference materials available to the public, including automated access to PTO databases. Publications such as *General Information Concerning Patents* are available at the PTDLs, as well as the PTO's Web site at [www.uspto.gov](http://www.uspto.gov). To find out the location of the PTDL closest to you, please consult the complete listing of all PTDLs that appears on the PTO's Web site or in every issue of the *Official Gazette*, or call the PTO's General Information Services at 800-PTO-6199 (800-782-6180) or 703-305-HELP (703-305-4357). To ensure assistance from a PTDL staff member, you may wish to contact a PTDL prior to visiting to learn about its collections, services, and hours.

**Burden Hour Statement:** The collection of information is used by the public to file with the PTO to process a Disclosure Document Deposit Request. Confidentiality is governed by 35 USC 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, reviewing, and submitting the completed Disclosure Document Deposit Request to the PTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

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(Wakefield) GAU 2174  
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## DISCLOSURE DOCUMENT PROGRAM

A service provided by the US Patent and Trademark Office (PTO) is the acceptance and preservation for two years of "Disclosure Documents" as evidence of the date of conception of an invention.

A paper disclosing an invention (called a Disclosure Document) and signed by the inventor or inventors may be forwarded to the PTO by the inventor (or by any one of the inventors when there are joint inventors), by the owner of the invention, or by the attorney or agent of the inventor(s) or owner. The Disclosure Document will be retained for two years, and then be destroyed unless it is referred to in a separate letter in a related patent application filed within those two years.

**THE DISCLOSURE DOCUMENT IS NOT A PATENT APPLICATION, AND THE DATE OF ITS RECEIPT IN THE PTO WILL NOT BECOME THE EFFECTIVE FILING DATE OF ANY PATENT APPLICATION SUBSEQUENTLY FILED. LIKE PATENT APPLICATIONS, THESE DOCUMENTS WILL BE KEPT IN CONFIDENCE BY THE PATENT AND TRADEMARK OFFICE.**

This program does not diminish the value of the conventional, witnessed, permanently bound, and page-numbered laboratory notebook or notarized records as evidence of conception of an invention, but it should provide a more credible form of evidence than that provided by the popular practice of mailing a disclosure to oneself or another person by registered mail.

### Content of the Disclosure Document

The benefits afforded by the Disclosure Document will depend directly upon the adequacy of the disclosure. It is strongly recommended that the document contain a clear and complete explanation of the manner and process of making and using the invention in sufficient detail to enable a person having ordinary knowledge in the field of the invention to make and use the invention. When the nature of the invention permits, a drawing or sketch should be included. The use or utility of the invention should be described, especially in chemical inventions.

### Preparation of the Document

A standard format for the Disclosure Document is required to facilitate the PTO's electronic data capture and storage. The Disclosure Document (including drawings or sketches) must be on white letter-size (8.5 by 11 inch) or A4 (21.0 by 29.7 cm) paper, written on one side only, with each page numbered. Text and drawings must be sufficiently dark to permit reproduction with commonly used office copying machines. Oversized papers, even if foldable to the above dimensions, will not be accepted. Attachments such as videotapes and working models will not be accepted and will be returned.

### Other Enclosures

The Disclosure Document must be accompanied by a separate cover letter signed by the inventor stating

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 (Wakefield) GAU 2174  
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Program. The inventor's request may take the following form:

"The undersigned, being the inventor of the disclosed invention, requests that the enclosed papers be accepted under the Disclosure Document Program, and that they be preserved for a period of two years."

A Disclosure Document Deposit Request form (PTO/SB/95) can also be used as a cover letter. This form is available at the PTO Web site at <http://www.uspto.gov> or by calling PTO General Information Services at 800-786-9199 or 703-308-4337.

A notice with an identifying number and date of receipt in the PTO will be mailed to the customer, indicating that the Disclosure Document may be relied upon only as evidence and that a patent application should be diligently filed if patent protection is desired. The PTO prefers that applicants send two copies of the cover letter or Disclosure Document Deposit Request form and one copy of the Disclosure Document, along with a self-addressed stamped envelope. The second copy of the cover letter or form will be returned with the notice. It is not necessary to submit more than one copy of the document in order for it to be accepted under the Disclosure Document Program.

### WARNING to Inventors

The two-year retention period is not a "grace period" during which the inventor can wait to file his or her patent application without possible loss of benefits. It must be recognized that, in establishing priority of invention, an affidavit or testimony referring to a Disclosure Document must usually also establish diligence in completing the invention or in filing the patent application after the filing of the Disclosure Document.

Inventors are also reminded that any public use or sale in the United States or publication of the invention anywhere in the world more than one year prior to the filing of a patent application on that invention will prohibit the granting of a U. S. patent on it. Foreign patent laws in this regard may be much more restrictive than U. S. laws.

The PTO advises inventors who are not familiar with the requirements of U. S. patent law and procedures to consult an attorney or agent registered to practice before the PTO.

A list of the Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office can be viewed and searched at no charge at the PTO Web Site at <http://www.uspto.gov> and examined without charge at Patent and Trademark Depository Libraries (PTDLs). PTO General Information Services will provide a list of names of attorneys and agents for a particular city or zip code for customers without Web access. Call 800-786-9199 or 703-308-4337.

This list may be purchased from the PTO on CD-ROM by calling 703-306-2600. A print publication of the Attorneys and Agents Registered to Practice Before the U. S. Patent and Trademark Office may be available from:

Superintendent of Documents  
P.O. Box 371954  
Pittsburgh, PA 15250-7954  
202-512-1800

Call 202-512-1800 to check on availability. The Superintendent of Documents sales site is at:

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(wakefield) GAU 2174  
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## Disposition

The Disclosure Document will be preserved by the PTO for two years after its receipt. It will be destroyed unless it is referred to in a separate letter in a related patent application filed within the two-year period. The separate letter filed in the related patent application must identify not only the patent application, but also the Disclosure Document by its title, number, and date of receipt in the PTO. Acknowledgment of such letters will be made in the next official communication or in a separate letter from the Patent and Trademark Office.

## Fee

A fee of \$10.00 in the form of a check or money order made payable to "Assistant Commissioner for Patents" must accompany the Disclosure Document when it is submitted to the Patent and Trademark Office. Documents without the full fee will be returned. Mail the Disclosure Document with payment to:

### Box DD

Assistant Commissioner for Patents  
Washington, DC 20231

Applicants can request a copy of their Disclosure Document as filed in the Patent and Trademark Office if they are the original submitters of the document. The request must be made in writing and accompanied by a fee of \$25.00.

Fees are subject to change annually. To confirm current fees, PTO General Information Services (GIS) Customer Representatives can be reached from 8:30 a.m. to 5:00 p.m. Eastern Time, Monday through Friday (except Federal holidays) by calling 800-786-9199 or 703-308-4357. The GIS fax number is 703-308-7786 and the TTY is 703-308-7785. Find the current fee schedule and other information about the PTO at Go to 1 PTO Home Page.

## Provisional Application for Patent

Inventors also have the option of filing a Provisional Application for Patent. View information about this related service at the PTO Web site or request a print brochure by calling 800-786-9199 or 703-308-4357.

## Patent and Trademark Depository Libraries (PTDLs)

The three Partnership Patent and Trademark Depository Libraries (PTDLs) have been authorized to act as PTO's "agents" in accepting documents filed under the Disclosure Document Program. This service provides customers with a completed transaction on-site, eliminating the wait for PTO notification of acceptance. The documents are stamped with an identifying number and date at the time of receipt by the PTDL. Original documents are sent to the PTO for processing and retention.

To locate a Patent and Trademark Depository Libraries near you, consult the complete listing of PTDLs found in every issue of the Official Gazette, call PTO General Information Services at 800-786-9199 or 703-308-4357, or access the PTO Web site. The nationwide network of (PTDLs) has collections of patents and patent-related reference materials available to the public, including automated access to PTO data bases. Publications such as General Information Concerning Patents may be inspected at the PTDLs. Contact the PTDL prior to your visit to learn about its collections, services, and hours.

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(Wanefeld) GAU 2174  
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From: Amy Ashiey  
To: Christine McLeod  
Date: 2/14/00 9:04AM  
Caller: Franz Wakefield  
Phone: 305-512-6469

☐ Telephoned  
☐ Will call again  
☐ Wants to see you  
☐ Urgent

☐ Please call  
☐ Returned your call  
☐ Came to see you

if he's not there, leave a msg. with the best time for him to call

- He did his own search.

Trying to save \$, not  
sure whether do have prof

search done.

- Making flow chart + summary.

- will send along w/ copies of  
reports we have.

76  
1

Appn. Number 09/877,7.  
(wakefield) GAU 2174

18 OF 19

From:  
To:  
Date:  
Caller:  
Phone:

Amy Ashley  
Christine McLeod  
2/7/00 8:30 AM  
Franz Wakefield  
305-512-6489

☐ Telephoned  
☐ Will call again  
☐ Wants to see you  
☐ Urgent

☐ Please call  
☐ Returned your call  
☐ Came to see you

Appn Number 09/877  
(Wakefield) GAU 2171  
19 OF 19

AC 2/8/00 - Lft msg. that I  
received + would review  
materials + call back  
tomorrow.

PLC 2/11/00 - Reviewed disclosure -  
Call back to begin process.

FACSIMILE COVER SHEET

SALIWANGHIK, LLOYD & SALIWANGHIK

A Professional Association  
2421 N.W. 41st Street  
Suite A-1

Gainesville, FL 32606

Telephone (352) 375-8100  
Facsimile (352) 372-5800

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TO: Franz Wakefield

FAX NO.: (305) 512-6480

NUMBER OF PAGES (INCLUDING COVER SHEET): 20

FROM: Christine Q. McLeod

DATE: March 9, 2000

SUBJECT/MESSAGE: CTN-MISC

Enclosed are copies of the documents you requested.

If you do not receive all pages or if any transmission is not legible, call the sender at (352) 375-8100.

APP16 & REC3A

Appx Number 09/877,729 (wakefield)  
GAU 2174  
1 OF 20

From: Shannon Audette  
To: Christine McLeod  
Date: 2/8/00 12:18PM  
Caller: Franz Wakefield  
Phone: 305-512-8489

☒ Telephoned  
☐ Will call again  
☐ Wants to see you  
☐ Urgent

☐ Please call  
☐ Returned your call  
☐ Came to see you

I told him that you were out to lunch and that you did get his package. He would like for you to call him.

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CAU 2174  
2 OF 20



January 31, 2000

Safirwaachik, Lloyd, & Safirwaachik  
2431 N.W. 41<sup>st</sup> Street Suite A-1  
Gainesville, Florida 32606-6669

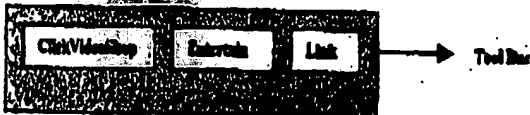
FEB - 4 2000

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(Wakefield) GAU 2174  
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Christina:

The information included in this package should bring you up to speed on my business concept and the cutting edge technology, I believe will revolutionize today's Internet culture. Although there may be other entities that may have approached the concept, I believe the idea of placing the video in various modes while simultaneously using the video objects as hyperlinks is our differentiating factor.

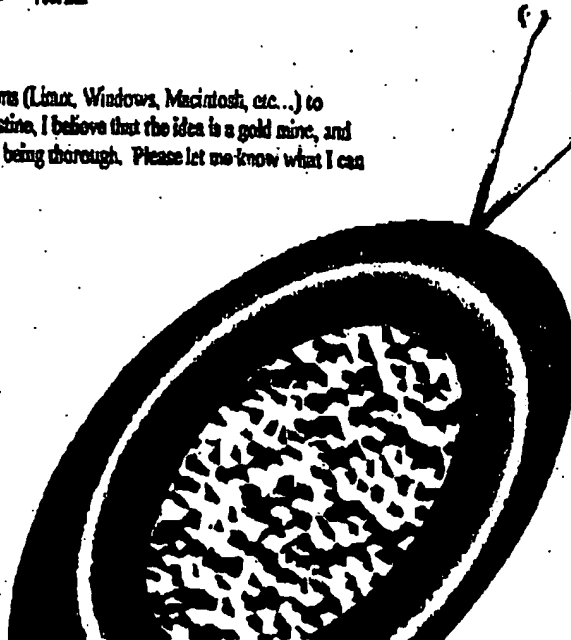
Ex: (Running Video)



The technology will be made to work on different platforms (Linux, Windows, Macintosh, etc...) to maximize the site's user population and interaction. Christina, I believe that the idea is a gold mine, and We should take all the necessary steps to move fast while being thorough. Please let me know what I can do to make your job easier.

Best Regards,

*Frank A. Wakefield*  
Frank A. Wakefield  
President & CEO  
COOLTVNetwork.com  
Internet Audio & Video Entertainment



## 1.2 Mission

COOLTVNetwork.com will aggregate entertainment sources (music, sports, cartoons, and commercials) to offer a variety of self-contained, yet complementary entertainment portals. COOLTVNetwork.com will appeal to a diverse cross-section of potential users. With its proprietary viewing software, users will "ClickVideoShop" @ COOLTVNetwork.com and experience revolutionary interactive entertainment and a unique kind of virtual shopping.

The overall positioning of the site is embodied in the appeal of being "eCOOL!" Whether it's youths or adults, users will associate COOLTVNetwork.com with being involved in the most cutting-edge entertainment experience available. Sports, music, cartoons, commercials, and ultimately movies and other audio/video options will position our site as the most complete, convenient and customizable source for entertainment. The balance between the old and the new will create both nostalgia and excitement for site visitors. The past, present and future of "eCOOL!" will be available at the click of a button. And, it can be viewed using the latest in video browser technology, highlighting the experience for the consumer and offering marketing opportunities for the retailer.

The sites' diverse and comprehensive archive of entertainment options, from music to sports, will create the "richest" virtual entertainment site on the Internet. Just a click away, "Hot Spots" attached to objects in the video files will immediate users in the euphoria of the video moment. CLICKVideoShopping will create the long sought after Buchanan moment on the Internet. This "eureka" moment, will entice consumers to purchase video objects, link to other videos, or connect to the manufacturer's website. With the attraction of superior proprietary technology, traditional local marketing, customized consumer specific target marketing, and expanding/promoting according to the particular tastes of our users, COOLTVNetwork.com will develop a trusted, quality, and personalized entertainment source, for a worldwide audience.

COOLTVNetwork.com will evolve into the Internet's first ClickVideoBay filled with fully interactive entertainment ClickVideoShops. The network will become a personalized kaleidoscope of its customers favorite blend of the old with the new. An archive of video content will hark of the days when your favorite athlete captured your imagination, when your favorite performer inspired your creativity, or when you first heard the catchy slogan that became the buzz of your generation. Interaction with cutting-edge artists, memorable live entertainment events, and local involvement such as music videos and home-made commercials will also populate COOLTVNetwork.com. COOLTVNetwork.com will be a site the whole family can enjoy. While adults enjoy music and sports and other video entertainment, the next generation of Cool kids will begin with cartoons on the COOLCartoons network. Customers will enjoy the value-added aspects of technology appeal, input recognition and personalized attention. They will experience a proverbial cyberspace playground, featuring provocative and scholastic content in a friendly environment.

COOLTVNetwork.com will utilize its competitive advantages to become one of the most respected names in the entertainment industry and will effectively appeal to many different Internet user segments. Besides the audience of consumers, COOLTVNetwork.com will offer significant benefits to corporate clients. Capturing this important segment of users will allow COOLTVNetwork to evolve into a centralized resource for entertainment, marketing, training, research, and artist interaction. COOLTVNetwork.com will emerge as the materialization of an industry leader which embodies the future of the video production, delivery and distribution industry.

With a never-ending enthusiasm for their global audio and video community, artists, promoters and users alike will find the creative Mecca known as COOLTVNetwork.com. The content and environment of COOLTVNetwork.com will be shaped by the creativity of all of the participants. In this respect, traditional corporate policies will not be applicable; the power will remain in the hands of all of the creators. The vibrancy and excitement of the entertainment industry will create a culture that engages and entertains. The network will be an extension of the richness of each portal. It will be a canvas for a global community of users to decorate.

Appns

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GAY 2174  
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### 3.0 Products and Services

COOLTVNetwork.com's longterm vision will be encapsulated in being pioneers of net-interactivity, entertainment, CLICKVideoShopping, & becoming the industry leader for audio- and video- entertainment needs. Our company has positioned itself to transcend these basic corporate strategies across various entertainment categories (Sports, Music, Entertaining Commercials, & Cartoons/VideoGames).

Our corporate formula is equal to four entertainment sites under the COOLTVNetwork. Each exemplifying cutting-edge technology, net-interactivity, customizable entertainment, & CLICKVideoShopping

#### Products (COOLPlaysoftheDay.com/Sports Center)

- Sports Equipment
- Sports Wear
- Footwear
- Memorabilia
- "BOONKA!" the web accessible "iToy"
- BOONKA! Wear

#### Products (COOLCommercials.com)

- Consumables
- "BOONKA!" the web accessible "iToy"
- BOONKA! Wear
- Memorabilia

#### Products (COOLMusicVideos.com)

- CD's
- Urban & Contemporary clothing
- Cosmetics
- Footwear
- "BOONKA!" the web accessible "iToy"
- BOONKA! Wear

#### Products (COOLCartoons.com)

- Toys
- "BOONKA!" the web accessible "iToy"
- BOONKA! Wear
- Video Games
- Educational Tools
- Memorabilia

#### Services Related To Site Genre

- Interactive Entertainment Video Archive (with CLICKVideoShopping)
- Membership ("Digital Laddies") with customized entertainment
- Live & Looped interviews with local, national, & international artists, athletes, and celebrities
- Home Talent contests @ in the "Post-It-Corner"
- Entertaining Video Biographies (video footage of career growth) of artists, athletes, celebrities, company or product lines
- "Now-&-Then" entertainment news
- "Video Time Capsules" of our favorite moments with athletes, performers, and commentators of our time
- Interactive Games
- "ClickVideoAuctions" in Fan-club arenas
- Talk Back! in the "Critique Corner"
- Consumer & Market Research

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(Wakefield) GAU 2177  
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### 3.1 Product and Service Description

#### Products

Through our patented CLICKVideoShopping technology, COOLTVNetwork.com will sell a collage of brand name products like Nike, FUBU, Polo, Spalding, Lorel, Karl Kani, Nautica, Arista Records, Pro Player, eToys, Wilson, and eBay. Delivering to a long waited digital community, the Net's 1st. customizable entertainment, with e-tailing experience.

#### Services

- **Digital Lockers**—allows members to search the interactive entertainment database for their favorite selections and save them in their own personalized and private digital space. Users can chose to store & organize video entertainment, entertainment news past & present, and personal notes.
- **Video Time Capsules**—offers users special video compilations of their favorite era in time.
- **Video Biographies**—offers users special video compilations of their favorite athletes, artists, and entertainers.
- **Post-It-Corners**—gives users, with aspirations to be in the entertainment industry, the creative outlet to "Post-It!" (music singles, video scenes from aspiring Big Screen movie makers, & Video Biographies from hopeful supermodels). This service will provide the global community with a grab-bag of quality, filtered, and a vivid source for entertainment.
- **Now-&-Then Entertainment News**—gives users a searchable database of video footage, and text information that documents entertainment news of the past and present. This service will span a variety of entertainment categories under the COOLTVNetwork, focusing on the event and the relevant artist, athletes, and entertainers.
- **CLICKVideoShopping**—presents proprietary CLICKVideo technology to net-surfers and allows them to place the actual video files in **Entertain**, **CLICKVideoShop**, or **Link** mode. These particular modes will allow the user to click on video objects, open other relative videos (Video Biographies, Prospective athlete footage, Video Time Capsules, etc.), add objects to a digital shopping cart, or link to the object's manufacturer website.
- **Talk Back!**—gives consumers the opportunity to voice their opinion in the "Critique Corner." This service will be a useful resource to many fronts; whether it be utilizing the authentic criticism to effectively tailor our site to our consumers, or allocating the comments as a resource for market research & consumer analysis. This service will provide the necessary feedback for a consumer conscious evolving website.

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### 3.2 Competitive Comparison

COOLTVNetwork has laid its foundation on a unique set of entertainment services that offers consumers purchasing power in three distinct markets: e-tailing, audio and customizable video, and artist representation. While there are other Internet entertainment companies, none products or presents products and services in a centralized network of versatile and engaging content. With our proprietary software we make CLICKVideoShopping possible, net-interactivity, and "Pop-up-Video." We create a digital backbone of audio & video entertainment that facilitates local, national, and international users to create their own customized entertainment content in "Digital Lockers."

COOLTVNetwork will appeal to all users regardless of geography, age, gender, or race. The idea of being "COOL" is limitless and appealing to all! COOLTVNetwork will signify more than just audio/video streaming; instead, it will be the very essence of entertainment! Individuals will respond to both the completeness and familiarity of the site, the evolution of which they contribute to on a continuing basis.

The nature of encouraging the digital community to participate in the evolution of COOLTVNetwork lies in the recognition that the possibilities are limitless, bounded only by the imagination of the global community. We cannot hope to foresee all of the wonderful and exciting opportunities that will arise as a matter of course in developing the COOLTVNetwork, but our Network will flourish from creating a canvas for the world to paint.

### 3.4 Sourcing

COOLTVNetwork has made key contacts to acquire the video files, which will be securely housed in our database farm. These contacts penetrate local and national arenas in sports, music, commercials, and cartoons.

CLICKVideoShopping will be available to surfers engaging in the sites' archive of video entertainment. The products sold through ClickVideo Shopping will be obtained directly from each products respective manufacturer. This pioneering technology will enhance manufacturers sales exponentially by adding the element of spontaneity to Internet purchases. COOLTVNetwork will benefit by receiving a margin for generating the sale.

Picture surfing @ COOLPlaysoftheDay.com, and reminiscing on game 6 of the Chicago Bulls vs. Utah Jazz play-off. With Chicago trailing by three points, Michael Jordan scores on a drive, swigs the ball from Karl Malone, and buries the game-winning shot with 3.2 seconds to go. What if you had the opportunity to click on the Nike or Chicago Bulls logo, pause the video, and link to their respective websites, or click on Michael Jordan's sneakers, and add it to your digital shopping cart, while caught in the awe of The Legend himself? COOLTVNetwork.com will give corporate clients this interactive advertising and marketing edge, an edge that will provide deeper consumer psychological tapping, and more profound product recognition. It will provide the long sought after Buchanan moment, a seducible moment, for consumers via the Internet.

### 3.5 Technology

COOLTVNetwork has dedicated its efforts and resources to creatively pushing the envelope of technology. Our team has partnered with Linexus Communications, a premier Managed Monitoring Service provider, to obtain cutting edge bandwidth capabilities, hardware, and real-time monitoring.

Our progressive company has created innovative ideas with products, services, and marketing phrases that will distinguish COOLTVNetwork.com from its competition. We are in the process of acquiring trademarks on our products along with the corresponding patents.

Our products & services will make entertainment interactive, centralized, customizable, and on demand. The COOLTVNetwork team is continually generating ideas that will keep us ahead of any spin-off companies that may try to imitate us.

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## Future Products and Services

Our team is constantly re-inventing itself. By remembering at every stage that the power belongs to the consumer, we plan on developing a trusted, quality, and personalized entertainment resource.

Our team is poised and positioned to bring "BOONKAI" the web accessible companion and BOONKAI Wear (Children's Sports & Apparel) to children (infants - 10yrs) nationwide, by September 2000.

"BOONKAI" the information companion ("iCompanion") will usher children into the digital revolution, providing the capacity to download cartoons, games, and interactive educational tools to a mobile "Toy", the next generation in children's entertainment.

In October 2000 COOLTVNetwork will use a unique way of multicasting video with conference rooms, and one-of-a-kind purchase and categorical templates, to tap the lucrative B2B market using interactive video files. It will be the birth of the Internet's first "ClickVideoBuy", the next generation in Internet auctions.

With the president of the United States of America, addressing the nation about 'The Digital Divide,' and his firm commitment of implementing new policies to increase the exposure of all schools, consumers, and citizens to the Internet, CNN Headline News (Dec. 9, 1999)—it is evident that we will be entrenched in a digital society. What we are facing is the beginning of an explosive exponential growth of an era of global inter-connectivity and technology that will usher us (humans) into the 21st millennium we envisioned years before.

## 4.0 Market Analysis Summary

With the Internet population at 110 million, and 41% of Americans having Internet access from home or office, it will be important for e-businesses to grasp the opportunity of retail via the Internet. Frost & Young estimates that 9 million households in the U.S. will shop on-line this year, up from 4.3 million in 1997. Forrester Research Inc. of Cambridge, Mass., reported that by 2003, 40 million U.S. households will buy online, growing web revenues to 108 billion. COOLTVNetwork.com will harness the element of video entertainment to tap into this lucrative embryonic Internet retail market. Gen-X surfers will ClickVideoShop @ COOLMusicVideos.com, while Baby Boom surfers ClickVideoShop @ COOLCommercials.com and CoolSportsCenter.com. Surfers will be able to purchase clothing, hardware, footwear, CD's, cosmetics, sporting goods, etc, while being exclusively enticed in the video moment. COOLTVNetwork.com fully understands the ramifications of it being "The Year 2000," and that trips to the local department store, grocery store, or neighborhood music outlet are frankly, becoming more passé. With the changes in business and technology it will be important for businesses to "Get eCOOL!" With the average household receiving 3 to 4 monthly bills on-line, by the end of 1999, and 15 million U.S. households receiving their bills online by 2002, COOLTVNetwork.com will be poised @ entering Internet e-Commerce through the varying facets of entertainment. Every business decision will revolve around embracing change, thinking "eCOOL!" and continually evolving.

COOLTVNetwork.com will enter the video market through its and affiliate COOLMusicVideos.com. The site will showcase a collage of local and national talent in every genre of music. From CLICKVideoShopping, to music video archives, to live streamed performances, and relative entertainment news, COOLMusicVideos.com will be @ the paces of the digital revolution. With alternative Internet music stations, like 3WK, boasting 500,000 listeners a month, with more tuning in daily and on-line music sales increasing to \$1.6 billion by 2002 (7.5% of the overall music market), COOLTVNetwork will position itself as the "Coolest" alternative to the "Brick and Mortar" establishments of the old. The company will merge old ways of business with cutting edge technology, becoming one of the Internet's 1st "Click & Mortar" establishments. Surfers will have the opportunity to purchase CD's, Urban and Contemporary clothing, cosmetics, and footwear while being entertained by secured streamed music and music videos from local and national talent. Just as MP3.com's website saw 9 million downloads of more than 36,000 songs—an astounding

...given that the vast majority are from unsigned acts, an shall COOLMusicVideos.com position itself as the  
bridge between local and regional talent and music lovers worldwide. Our team pledges to nullify corporate barriers  
of old business ways, and provide a bridge for genuine talent to effectively enter the market place.

Video

Video is undoubtedly the last phase in the evolution of multimedia entertainment via the Internet. Although the  
limiting factor is the available bandwidth, codecs are astutely deciphering the bandwidth puzzle. "As cable modems  
and DSL connections become common place, fiber crosses the last mile, and codecs get more advanced, downloading  
music videos, TV Shows, and even feature films will be apart of our everyday Net experience. We'll use the word  
'download' as readily as we say 'rent' a movie or 'pop' in a Cd. MP3 is merely the opening act." —Wired Aug. 1999.  
COOLTVNetwork.com realizes that the bandwidth bottleneck will be opened, and there will be a convergence of  
television and computer. "I don't think a lot of people on the consumer level know how much change is about to hit  
them, especially when it comes to TV viewing." David Osimo, director of operations for KABB-TV (Warner Bros.  
Affiliate.) By 2004, television as we know it will change forever. That year is the deadline set by the U.S. Federal  
Communications Commission (FCC) for all television stations nationwide to switch over to a new digital broadcasting  
technology. COOLTVNetwork.com is strategically entering the audio/video and e-tailing market, focusing on music,  
sports, cartoons, and commercials to build a cache of brand capital and a loyal consumer following.  
COOLTVNetwork.com will actively build a consumer base within the bandwidth limitations, to effectively position  
itself for the evolution of Internet technology, and the imminent movie on demand market. COOLTVNetwork.com at  
every stage will perpetuate the philosophy of "COOL" combining interactivity, technology, e-tailing, and  
entertainment to provide the Net's most reliable audio/video with retail experience.

COOLTVNetwork.com will use the convergence of audio, video, and retailing to engage consumers psychologically  
on a more profound level than most websites. The company will create, for the consumer, an "eCOOL" Internet City,  
which will be a virtual entertainment & retailing toy-box filled with an extensive repertoire of audio and interactive  
video. With "Post It Comics," "Forum Lounges," "CLICKVideoShopping," And "Video Time Capsules" of favorite  
artists and albums, COOLTVNetwork will embody the essence of "COOL."

#### Corporate Clients

COOLTVNetwork.com will generate revenue from three lucrative streams of users: corporate clients, consumers, and  
artists. Corporate clients will benefit from a wealth of critical consumer information like consumer analysis databases,  
target market evaluation, demographics, consumer feedback, and positive corporate imaging. The COOLTVNetwork  
will offer an interactive marketing/advertising tool through Click Video technology, that gives corporations a  
standardized and effective method for tracking "click-through" rates (an effective alternative to banner  
advertisements).

#### User/Artist

COOLTVNetwork.com will serve its users by offering a worldwide site that will inform and entertain consumers in a  
real-time interactive environment, twenty-four hours a day, seven days a week. It will provide customers with a  
private, centralized location to view all facets of entertainment. COOLTVNetwork.com will present all relevant  
content in a fully personalized and further customizable manner. Ultimately, a personalized entertainment  
environment and numerous customizable products will evolve to increase the value of the entertainment purchase.  
The COOLTVNetwork will be an affiliate or virtual symbiotic network between management, users/consumers, and  
corporate clients. As a team, we will strive to perpetuate the aura of community and effective customer service,  
incorporating permission-based value added services as email notices & updates, "Digital Lockers," "wishlist-  
magazines/updates," and people based customer service lines.

"While many companies are just starting to understand the power and potential of the Internet for marketing and  
advertising, Truza Continental is entering their fourth year of online promotions of its artists." Pearlman (CEO) says  
"Our website have provided us with a powerful way to broaden awareness for all of our artists on a cost-effective  
basis." Orlando Business Journal. Truza Continental does media, public relations and promotions for recording artists  
via the Internet. COOLTVNetwork.com will also assist local, national, and international artists in gaining exposure in  
the recording industry and amateur movie production market. The COOLTVNetwork will be the bridge between  
amateur talent and the global market place, finding aspiring talent in the music and video production arenas through  
filterd "Post It Comics," and Video & Audio contests. The company will provide amateur artists, the those who

Appo Number 09/877,729 (USAKFELD)  
9 OF 80  
GRU 2174

... track sales, and merchandising. Users will be able to sample the creative melting-pot of local, national, and international talent through 'Video Biographies,' 'Video Time Capsules of favorite artist, streamed artist interviews, sound samples, and the net-purchase of new releases. With the digital revolution on the rise, COOLTVNetwork.com will give users the opportunity to carve out their own customized and personal digital playground. Through 'Digital Lockers,' 'CLICK VideoShopping,' and 'Thinking eCOOL!', users will have the opportunity to "Get Digi!" @ COOLTVNetwork.com, The Internet's Audio/Video Solution; "Just a Click Away."

App# Number 09/877, 729  
(Wakefield) GAU 2174  
10 OF 20

From: Shannon Audette  
To: Christine McLeod  
Date: 12/15/99 12:12PM  
Caller: Frounze Wakefield  
Company: CodTV Network.com  
Phone: 378-1327

☒ Telephoned  
☐ Will call again  
☐ Wants to see you  
☐ Urgent

☒ Please call  
☐ Returned your call  
☐ Came to see you

He has not lost focus and would like to move software patent forward.

- AC 12/17 - 46+ ms

- Miami Lakes - JT

\* Slide Video Shop \*

\* Steven - Apple. - need release/owner

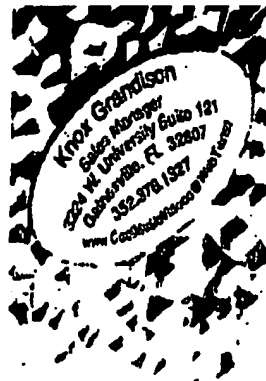
Appo. Number 09/877,729 (Wakefield)  
BAU 2174

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From: Amy Ashley  
To: Christine McLeod; Joanna Schuyler  
Date: 11/15/89 11:24AM  
Caller: Franz Wakefield  
Company: Cool TV Network.com  
Phone: 376-1327

☐ Telephoned  
☐ Will call again  
☐ Wants to see you  
☐ Urgent

☒ Please call  
☐ Returned your call  
☐ Come to see you



- working on implement a pattern for a piece of software
- 95% completed
- will compile research in regards to process.
- go economical route
- 3M-10M <sup>unaffordable</sup> not to pursue

P/C 11/19 - lat msg.

Appx Number 09/877,729  
(wakefield) GAU 2174  
12 OF 20



A Professional Association

2421 N.W. 41st Street

Suite A-1

Gainesville, Florida 32606-6669

Telephone 352-375-8100

Facsimile 352-372-5800

ORLANDO OFFICE

1030 Lydon Place, Suite 1710

Orlando, FL 32801

Telephone 407-426-7900

Facsimile 407-439-6181

Roman Salivanchik

(1926 - 1999)

November 5, 1999

Mr. Franz Wakefield  
3324 W. University Ave, #121  
Gainesville, FL 32607

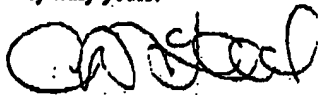
Re: Patent Inquiry

Dear Mr. Wakefield:

We write to follow up with you on our letter of October 13, 1999. Please let us know if you have any further questions or require any additional information with respect to your patent matters.

We look forward to hearing from you.

Very truly yours,



Christine Q. McLeod

CQM/csa

App# Number 09/877,729 (Wakefield)  
CAU 8174

13 OF 20

A Professional Association

2421 N.W. 41st Street

Suite A-1

Gainesville, Florida 32606-6669

Telephone 352-375-8100

Facsimile 352-372-3800

Roman Saliwanchik

(1926 - 1999)

ORLANDO OFFICE

1500 Loran Place, Suite 1750  
Orlando, FL 32801  
Telephone (407) 436-7400  
Facsimile (407) 437-8589

October 13, 1999

Mr. Franz Wakefield  
3324 W. University Ave. #121  
Gainesville, FL 32607

Via Facsimile  
338-7562

Re: Patent Inquiry

Dear Mr. Wakefield:

I enjoyed speaking with you regarding your invention. This letter explains some of the requirements and procedures related to the patenting process. Enclosed (with the confirmation copy of this letter) for your review is our firm résumé describing the qualifications of the attorneys at our firm as well as a copy of the U.S. Patent Office publication regarding patents.

**A. Patentability of an Invention**

The first step in the patenting process is to determine whether the invention (i.e., an article, machine, composition, or process) meets the requirements to be patentable. Under United States Patent law, in order for an invention to be patentable, the invention must be new, useful and non-obvious. By new, we mean that the identical, or substantially identical claimed invention is not disclosed in the prior art. The prior art is anything that is relevant to the issue of whether the invention is patentable, including, without limitation, patents, publications, advertising, promotional materials, and information as to whether the invention is known or has been used. As to useful, we mean that each claimed invention must have utility. With respect to non-obvious, we mean that even though a substantially identical claimed invention is not disclosed in the prior art, the claimed invention sought to be patented cannot be an obvious variation to one skilled in the particular field of invention or art to which the claimed invention pertains. Before a determination is made as to whether your invention is patentable, the prior art must be analyzed.

In addition to the statutory requirements for obtaining a patent discussed above, please note that you have one year from the date on which the invention is described in a printed publication or in public use or on sale in this country within which to file a patent application in the United States. With respect to patents in other countries, many foreign countries require that a patent application be on file before any public disclosure or sale of the invention. If you wish to preserve your rights to file an application in foreign countries, you should make sure that your application is on file before any public use, disclosure or sale of the invention.

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6AU 2174  
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October 13, 1999

## B. Patent Searching

You may wish to consider having a patentability search conducted for at least two reasons: (1) if the information revealed in the search suggests that your invention is unpatentable, then you may wish to reconsider filing an application in view of the expense associated with the preparation and filing of a patent application which may ultimately be denied; and (2) if the information revealed in the search does not destroy patentability, the search results will assist the patent attorney in determining the scope of your invention so that the patent application may be drafted in accordance therewith.

A patentability search is usually conducted by a professional searcher according to our instructions. We estimate the cost of performing a patentability search for Internet/computer related inventions by a professional searcher would be in the neighborhood of \$700-\$1000 including our fee for commissioning the search. Our fee for analyzing the search results and providing you with an opinion of patentability will vary based on the technology and the number of references located by the searcher. Generally, a written opinion of patentability ranges between \$800-\$1,500 or more. We can better estimate this cost after a detailed review of your technology.

## C. Patent Application Preparation and Prosecution

The fees for preparing and filing a patent application typically range from about \$3,500 to \$7,000 or more (including the government filing fees) depending on the complexity of the technology. Before we start work on an application, our office will provide you with a firm estimate which will not be exceeded, absent extraordinary circumstances or additional disclosures from the inventor not previously discussed.

An alternative to a regular utility application is a provisional application, which is similar to a regular utility application used to establish an early filing date. The government filing fee for a provisional application is \$75 to \$150 and our professional fees vary on the extent of the disclosure. In order to assure that the provisional contains the necessary disclosure, we often prepare provisionals exactly the same as regular utility applications, except we do not include the claim language. A provisional application is not examined and must be refiled as a regular utility application within one (1) year of filing. Please call us for more information regarding the effect of provisional filing.

Approximately six to twelve months from the filing date of a regular utility application, we can expect to receive an Office Action from the Patent Office setting forth certain rejections or objections of the application. If you instruct us to respond to the Office Action, the charges for our services in connection with the preparation of a response can range from about \$500 to \$2,000 or more depending upon the complexity of the issues raised in the Office Action. Failure to respond to an Action will result in abandonment of the application. If the application is allowed by the Patent

App. Number 09/877,729 (waiver)  
CAU 217

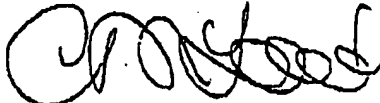
15 OF 20

October 13, 1999

Office, an issue and processing fee will be payable shortly thereafter. Maintenance fees will be required periodically to maintain the patent.

Please let us know if we can be of further assistance. If you wish to schedule an appointment, our office charges an initial consultation fee of \$200.

Sincerely,



Christine Q. McLeod  
Registered Patent Attorney

CQM/jss

Enclosure (as stated above)

App. Number 09/877,729  
(Wakefield) GAU 2.174  
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# Technical Disclosures for Computer-Related Inventions: A Guide for Inventors

## I. Introduction

As an inventor, your participation in the patent application process is very important. In fact, in order to make the patenting process work smoothly and efficiently, the inventor should prepare a detailed technical disclosure of the invention to provide the patent attorney with the necessary information to prepare and file a patent application. However, there are strict requirements with respect to the technical disclosure necessary for patent applications of which most inventors are not aware. This document outlines these requirements for your technical disclosure.

## II. Statutory Requirements

In order to assist your patent attorney in preparing the technical disclosure for your application, you must ensure that the disclosure you provide includes a *complete and full description of the invention* in sufficient detail to enable a person skilled in the art to practice the invention without undue experimentation. According to Section 112 of the patent statutes, such a description must contain:

"... a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention."

As set forth in the statute referenced above, the description for the application must be sufficient in detail to enable reproduction of the invention by one skilled in the art without undue experimentation and it must provide the best mode of practicing the invention, including any drawings that may be required. Basically, your goal is to disclose clearly everything you can think of about your invention. In case of doubt as to whether or not to include an item of information, put it in. If you have several embodiments of your invention, make sure you include the "best" one. You ordinarily do not have to include dimensions, materials, brand names, or values of components, since the skilled artisan is expected to have a working knowledge of these items. However, if any of these are critical to the performance of your invention or are at all unusual, they must be included. (If in doubt, include specific information).

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(Wakefield)  
17 DF 20 GAU 2174

### III. Technical Description

The actual description is preferably organized by first describing the static physical structure of the invention and then describing in extensive detail the operation or function of the invention, and then, in certain cases, specific examples and/or results of operation of the invention. You should try to identify and include in the description alternate embodiments to assist your patent attorney in drafting claims of sufficient scope. You should use sketches and drawings where necessary to understand the invention (e.g., circuit diagrams, block diagrams, etc.) and refer to such in your description. Each of the parts in the figures should be numbered and a separate list of these reference numerals with the names of their respective parts should be included in a separate section for ease of reference. You should cover every part shown in the figures and be sure to use consistent terminology, but when you refer to a part for the first time, try to include several different equivalent names or alternatives to keep your description broad.

### IV. Computer/Software-Related Inventions

If your invention also includes computer software or code which may be patentable, in addition to describing the physical structure, you must also describe the software according to certain specific guidelines for computer-related inventions. To satisfy the disclosure requirement, the disclosure must enable a skilled artisan to configure the computer to possess the requisite functionality, and, where applicable, interrelate the computer with other elements to yield the claimed invention, without the exercise of undue experimentation. There are a number of ways to meet such requirements, but the most common are: (1) actual software code listings (object or source), and/or (2) flowcharts. However, no matter which of the above-listed ways you choose, you must also include an associated explanation in the written description.

#### A. Software Code Listings

If the program is already written, the easiest way to provide the necessary disclosure is to supply either the object code or source code listing as an appendix to the application. Copyright protection for such code listings may be retained, but trade secret protection is generally lost if you provide a source code listing. The object code listing, on the other hand, may adequately protect trade secrets in certain source code and may be preferable to frustrate potential competition (since the code is only readable by a machine and, therefore, cannot be modified by writing new code or changing instructions). The difficulty with object code listings, and often with source code listings which do not include programmer's comments, is that such listings do not provide a very good understanding of what the invention actually does nor do they provide any guidance to the patent attorney for drafting the claims. The attorney must rely on the associated written description provided by the programmer, which is often not structured or organized.

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To make such code listings enabling, you will need to explain in the description how to implement the listing and any special instructions which may be necessary to implement the invention without undue experimentation (if not readily apparent). The explanation should detail how to configure the computer to perform the required function and interrelate with any other elements to yield the claimed invention. For instance, you should state what programming language the listing is in (e.g., C++), how to use it to control the computer or microprocessor, what type of computer or microprocessor to use it with (e.g., Pentium II), and what hardware should be connected to the computer, both on the input and output sides as necessary.

### B. Flowcharts

If you choose not to include source code or object code listings, or wish to supplement such listings, you should provide a detailed flowchart. In fact, most patent attorneys and patent examiners prefer flowcharts. The advantage of flowcharts is that they often provide the backbone for writing the claims and can be readily referred to by both the patent attorney during drafting and by the examiner during examination.

The flowchart must be complete and detailed enough to enable any reasonably skilled programmer to write a program, using only routine skills. The flowchart will be adequate even if it would take a programmer several months to write the program, so long as only routine skill and not extraordinary effort will be involved. Unfortunately some nonprocedural programs simply do not fit the flowchart mold (e.g., object oriented or event-driven programs). Another disadvantage in lengthy programs is that the flowcharts may overflow onto separate sheets, making them difficult to follow. Other notations, similar to flowcharts, may be utilized when the program cannot be represented by flowcharts, such as program network charts, system resources charts, entity-relationship diagrams, object diagrams, object-oriented notation, etc. If an alternate notation better suits your program, you must make sure such alternate notations are not obscure, otherwise, an explanation of the notation will also be required.

As previously stated, no matter which way you choose to disclose the software, an associated explanation in the written description is required. When explaining flowcharts, it is best to number each process symbol and then describe the function it performs.

### V. Conclusion

Keep in mind that including details and alternatives can prove vital later if you have to rely on these in order to support and distinguish your invention over a close prior art reference cited by the examiner. You should be especially sure to expand your description in areas where you feel that your invention is novel over the prior art.

Once your technical description is prepared, keep in mind that new discoveries or methods related to the invention should be continuously disclosed to the patent attorney as soon as possible so that this information can be included in the application, if necessary, to provide the broadest scope possible.

App Number 09/877,729  
(Wakefield)  
19 OF 20  
GAU 2174

From: Amy Nguyen  
To: Dave Saliwanchik; McLeod, Christine  
Date: 10/13/99 10:57AM  
Caller: Mr. Franz Wakefield  
Company: Cool TV Network.com  
Phone: 376-1327

3324 W. Univ Ave  
#121  
GV, FL 32607

☐ Telephoned  
☐ Will call again  
☐ Wants to see you  
☐ Urgent

☐ Please call  
☐ Returned your call  
☐ Came to see you

- 1) He was referred to SLS by Bruce Brashear.
- 2) He is very interested in patenting a software currently being created.
- 3) He would like to know approximate legal costs.
- 4) He would like to speak with DRS; if not possible, he would like to speak with CQM.

Fax: 376-1327  
376-3435  
376-7562

09/877, 729  
(Wakefield)  
GAU 2174  
App. Number 20 of 20

AC 10/13/99

- Partially complete - not yet sold or public  
or

- not yet sold

- undergrad - Entrant Co.  
@ UF

Mr. Steven  
Benedict  
Calif.

- Archive of video - to access by user
- hot spots to video - Compressed.
- doesn't pause video + open other sites.
- \$700-1000 - Internet searches

Competitor - hot spots to videos?

Ututu - 3K-7K10K  
\* ProU - \$800-\$2000



SALIWANCHIK, LLOYD & SALIWANCHIK  
A Professional Association

2421 N.W. 41st Street  
Suite A-1

Gainesville, Florida 32606-6669  
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Facsimile 352-372-5800

ORLANDO OFFICE

1000 Legion Place, Suite 1750  
Orlando, FL 32801  
Telephone 407-426-7500  
Facsimile 407-839-8589

Roman Saliwanchik  
(1926 - 1999)

May 1, 2000

Franz A. Wakefield, President  
CoolTvNetwork.com  
17731 N.W. 14th Ct.  
Miami, FL 33169

Re: CoolTvNetwork  
Our File No.: CTN-MISC

Dear Franz:

Further to our letter of March 6, 2000, we return herewith all original documents which you provided to us which disclose your technology. Any internal work product to that effect is either included herein or has been destroyed.

As discussed, we have closed our file on this matter due to a potential conflict of interest. We trust you have sought alternate counsel to assist you in your patent matters. Thank you again for considering our firm.

Very truly yours,



Christine Q. McLeod

CQM/jss

Enclosure: as stated above

AppN: 09/877,729 (Wakefield) GAU 2174 1 OF 50

APP16 & REC4



FEB 22 2000

*1/11*

2 OF 50

February 18, 2000

Christine Q. McLeod  
Saliwanchik, Lloyd & Saliwanchik  
2421 N.W. 41<sup>st</sup> Street Suite A-1  
Gainesville, Florida 32606-6669

Christine,

Enclosed is the information you requested regarding the details of the invention, some related patents, and our differentiation. I have sent the disclosure deposit forms with the appropriate fee. Please advise me on your ideas on completing a professional search.

Is it safe to assume that a professional patent search is the best course to take if we intend on patenting around similar patents?

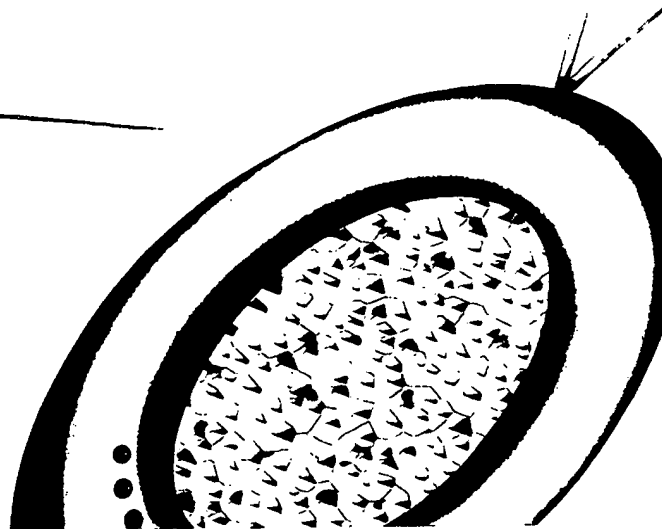
Please get back in touch with me regarding this matter so we can take the appropriate steps in an expedient fashion.

Best Regards,

Franz A. Wakefield  
President  
COOLTVNetwork.com

Internet Audio-Video Entertainment

AppN: 09/877,729 (WAKEFIELD) GAU 2174



### INVENTION SUMMARY

The purpose of this document is to describe the purpose and methodology of the ClickVideoShop software. In conjunction with prerecorded video, this software is a key component in providing an immersive and interactive user experience via the internet. The ClickVideoShop software is written in the Java programming language, which allows the ClickVideoShop experience to be enjoyed on a wide variety of computing platforms. The ClickVideoShop software facilitates the use of a video source as a conduit to accessing related information. The prerecorded video provides the foundation to engage the user in the content of the web site. The ClickVideoShop software uses "hot spots," or areas in the video playback area delineated by outlines or shading, as visual cues to alert the user that clicking within the hot spot gives them access to additional information. This is analogous to a hypertext link being highlighted in an HTML when the cursor moves over it. The type and delivery of the additional information is user-controlled by a menu bar displayed at the top or bottom of the area where the video is playing. Clicking on options in the menu bar determines what action is taken when the user clicks on a hot spot. The software currently supports four modes: "ClickVideoShop", where clicking on a hot spot adds the item to the user's shopping cart, "Entertain" mode, where clicking on the hot spot opens another movie in another browser, "Link", where clicking on a hot spot opens another web page, and "Bid", which enters a bid for the item into the specified bidding system. A hot spot must support at least one of these modes, and can support all four if desired. The software provides for a virtually unlimited number of associations between video and internet-accessible information since the extensibility of the menu bar allows code to support additional relationships to be added. For example, during playback of a music video, a hot spot could load in-depth product or performer information, a bid submission form, or an additional movie. The hot spot is also defined by the time during video playback when it is active. A hot spot is activated when the user moves the cursor into the hot spot's area at a point in time within the interval in which the hot spot is specified to be active or when the object on the screen is illuminated, outlined, or shaded. An active hot spot is one in which the perimeter of its area is visible, or the area has been shaded. The information to define a hot spot, which includes its area within the video playback area, the additional information it references, and its begin and end activation time is specified in a data file, which is loaded when the video is loaded and may contain as many hot spot definitions as necessary. When the video reaches the end, the data file also specifies whether or not playback of the video should start again at the beginning.

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## Summary of the HTML and Data File Contents

The HTML document loaded by the web browser contains tags that specify:

- 1.) The path to a Java applet containing the object code necessary to execute the claims specified in the patent
- 2.) The path to the video file that the applet will play.
- 3.) The path to a data file that contains variables used to create objects that contain the information needed to represent areas on the screen, called "hot spots", in software.

The data file contains tags that specify:

- 1.) Whether the movie should only play once or continue to loop.
- 2.) The URL of the web page to open when the object is clicked.
- 3.) A signature that uniquely identifies an item so that it can be added to a shopping cart when the object is clicked.
- 4.) The URL of a movie to play when the object is clicked.
- 5.) A signature that uniquely identifies an item such that a bid for it can be entered into a bidding system when clicked.

Tag (1) is required, and at least one of (2)-(5) must be specified

### Discussion of Related Patents

*5,918,012: Hyperlinking time-based data files*

Embeds movies into another file type

Doesn't state that it uses hot spots

Doesn't load the data file at startup – consults it on every click

*5,708,845: System for mapping hot spots in media content for interactive digital media program*

Uses the term hot spot explicitly

States that the data file is separate from the movie

Doesn't talk about only linking to web pages- talks about linking to additional types of data. However, they don't discuss the user having the ability to change the type of information the hot spot links to, or having a hot spot link to multiple types of information

*Microsoft Developer Article: AVI Files with Hot Spots*

[http://msdn.microsoft.com/library/techart/msdn\\_avihot.htm](http://msdn.microsoft.com/library/techart/msdn_avihot.htm)

*5,539,871: Method and system for accessing associated data sets in a multimedia environment in a data processing system*

Talks about associating data with elements in a multimedia presentation

Talks about using graphical cues to indicate a hyperlink

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5,970,504: Moving image anchoring apparatus and hypermedia apparatus which estimate the movement of an anchor based on the movement of the object with which the anchor is associated  
Talks about time intervals in which the hyperlink is active  
Very verbose – didn't get a chance to finish reading through it

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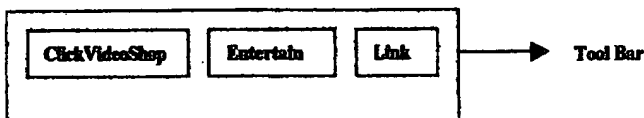
January 31, 2000

Saliwanchik, Lloyd, & Saliwanchik  
2421 N.W. 41<sup>st</sup> Street Suite A-1  
Gainesville, Florida 32606-6669

Christine,

The information included in this package should bring you up to speed on my business concept and the cutting edge technology, I believe will revolutionize today's Internet culture. Although there may be other entities that may have approached the concept, I believe the idea of placing the video in various modes while simultaneously using the video objects as hyperlinks is our differentiating factor.

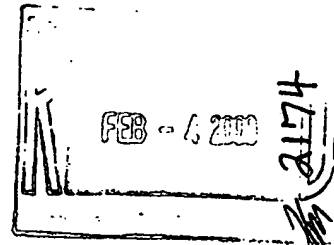
Ex: (Running Video)



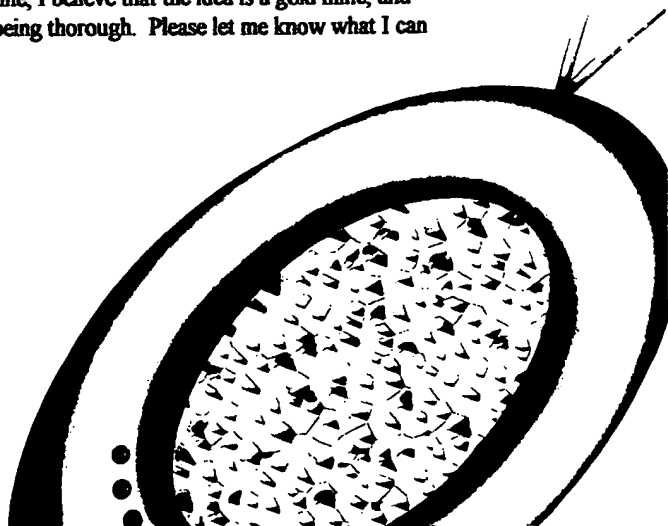
The technology will be made to work on different platforms (Linux, Windows, Macintosh, etc...) to maximize the site's user population and interaction. Christine, I believe that the idea is a gold mine, and We should take all the necessary steps to move fast while being thorough. Please let me know what I can do to make your job easier.

Best Regards,

  
Franz A. Wakefield  
President & CEO  
COOLTVNetwork.com  
Internet Audio & Video Entertainment



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## 1.2 Mission

COOLTVNetwork.com will aggregate entertainment sources (music, sports, cartoons, and commercials) to offer a variety of self-contained, yet complementary entertainment portals. COOLTVNetwork.com will appeal to a diverse cross-section of potential users. With its proprietary viewing software, users will "ClickVideoShop" @ COOLTVNetwork.com and experience revolutionary interactive entertainment and a unique kind of virtual shopping.

The overall positioning of the site is embodied in the appeal of being 'eCOOL!' Whether it's youths or adults, users will associate COOLTVNetwork.com with being involved in the most cutting-edge entertainment experience available; sports, music, cartoons, commercials, and ultimately movies and other audio/video options will position our site as the most complete, convenient and customizable source for entertainment. The balance between the old and the new will create both nostalgia and excitement for site visitors. The past, present and future of 'eCOOL!' will be available at the click of a button. And, it can be viewed using the latest in video browser technology, highlighting the experience for the consumer and offering marketing opportunities for the retailer.

The sites' diverse and comprehensive archive of entertainment options, from music to sports, will create the 'stickiest' virtual entertainment site on the Internet. Just a click away, "Hot Spots" attached to objects in the video files will incapsulate users in the euphoria of the video moment. CLICKVideoShopping will create the long sought after Buchanan moment on the Internet. This 'seducible' moment, will entice consumers to purchase video objects, link to other videos, or connect to the manufacturer's website. With the attraction of superior proprietary technology, traditional local marketing, customized consumer specific target marketing, and expanding/promoting according to the particular tastes of our users, COOLTVNetwork.com will develop a trusted, quality, and personalized entertainment source, for a worldwide audience.

COOLTVNetwork.com will evolve into the Internet's first ClickVideoBay filled with fully interactive entertainment ClickVideoShops. The network will become a personalized kaleidoscope of its customers favorite blend of the old with the new. An archive of video content will hark of the days when your favorite athlete captured your imagination, when your favorite performer inspired your creativity, or when you first heard the catchy slogan that became the buzz of your generation. Interaction with cutting-edge artists, memorable live entertainment events, and local involvement such as music videos and homemade commercials will also populate COOLTVNetwork.com. COOLTVNetwork.com will be a site the whole family can enjoy. While adults enjoy music and sports and other video entertainment, the next generation of Cool kids will begin with cartoons on the COOLCartoons network. Customers will enjoy the value-added aspects of technology appeal, input recognition and personalized attention. They will experience a proverbial cyberspace playground, featuring provocative and eclectic content in a friendly environment.

COOLTVNetwork.com will utilize its competitive advantages to become one of the most respected names in the entertainment industry and will effectively appeal to many different Internet user segments. Besides the audience of consumers, COOLTVNetwork.com will offer significant benefits to corporate clients. Capturing this important segment of users will allow COOLTVNetwork to evolve into a centralized resource for entertainment, marketing, retailing, research, and artist interaction. COOLTVNetwork.com will emerge as the materialization of an industry leader which embodies the future of the video production, delivery and distribution industry.

With a never-ending enthusiasm for their global audio and video community, artists, promoters and users alike will fuel the creative Mecca known as COOLTVNetwork.com. The content and environment of COOLTVNetwork.com will be shaped by the creativity of all of the participants. In this respect, traditional corporate policies will not be applicable; the power will remain in the hands of all of the creators. The vibrancy and excitement of the entertainment industry will create a culture that engages and entertains. The network will be an extension of the richness of each portal. It will be a canvas for a global community of users to decorate.

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### 3.0 Products and Services

COOLTVNetwork.com's longterm vision will be encapsulated in being pioneers of net-interactivity, entertainment, CLICKVideoShopping, & becoming the industry leader for audio- and video- entertainment needs. Our company has positioned itself to transcend these basic corporate strategies across various entertainment categories (Sports, Music, Entertaining Commercials, & Cartoons/VideoGames).

Our corporate formula is equal to four entertainment sites under the COOLTVNetwork. Each exemplifying cutting-edge technology, net-interactivity, customizable entertainment, & CLICKVideoShopping.

#### Products (COOLPlaysoftheDay.com/Sports Center)

- Sports Equipment
- Sports Wear
- Footwear
- Memrobilia
- "iBOONKA!" the web accessible "iToy"
- BOONKA! Wear

#### Products (COOLCommercials.com)

- Consumables
- "iBOONKA!" the web accessible "iToy"
- BOONKA! Wear
- Memrobilia

#### Products(COOLMusicVideos.com)

- CD's
- Urban & Contemporary clothing
- Cosmetics
- Footwear
- "iBOONKA!" the web accessible "iToy"
- BOONKA! Wear

#### Products (COOLCartoons.com)

- Toys
- "iBOONKA!" the web accessible "iToy"
- BOONKA! Wear
- Video Games
- Educational Tools
- Memrobilia

#### Services Related To Site Genre

- Interactive Entertainment Video Archive (with CLICKVideoShopping)
- Membership ("Digital Lockers") with customized entertainment
- Live & Looped interviews with local, national, & international artists, athletes, and celebrities
- Home Talent contests @ in the "Post-It-Corner"
- Entertaining Video Biographies (video footage of career growth) of artists, athletes, celebrities, company or product lines
- "Now-&-Then" entertainment news
- "Video Time Capsules" of our favorite moments with athletes, performers, and commentators of our time
- Interactive Games
- "ClickVideoAuctions" in Fan-club arenas
- Talk Back! in the "Critique Corner"
- Consumer & Market Research

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### 3.1 Product and Service Description

#### Products

Through our patented CLICKVideoShopping technology, COOLTVNetwork.com will sell a collage of brand name products like Nike, FUBU, Polo, Spalding, Lorel, Karl Kani, Nautica, Arista Records, Pro Player, eToys, Wilson, and eBay. Delivering to a long waited digital community, the Net's 1st. customizable entertainment, with e-tailing experience.

#### Services

- **Digital Lockers**—allows members to search the interactive entertainment database for their favorite selections and save them in their own personalized and private digital space. Users can chose to store & organize video entertainment, entertainment news past & present, and personal notes.
- **Video Time Capsules**—offers users special video compilations of their favorite era in time.
- **Video Biographies**—offers users special video compilations of their favorite athletes, artists, and entertainers.
- **Post-It-Corners**—gives users, with aspirations to be in the entertainment industry, the creative outlet to "Post-It!" (music singles, video scenes from aspiring Big Screen movie makers, & Video Biographies from hopefull supermodels). This service will provide the global community with a grab-bag of quality, filtered, and a vivid source for entertainment.
- **Now-&-Then Entertainment News**—gives users a searchable database of video footage, and text information that documents entertainment news of the past and present. This service will span a variety of entertainment categories under the COOLTVNetwork, focusing on the event and the relevant artist, athletes, and entertainers.
- **CLICKVideoShopping**—presents proprietary CLICKVideo technology to net-surfers and allows them to place the actual video files in Entertain, CLICKVideoShop, or Link mode. These particular modes will allow the user to click on video objects, open other relative videos (Video Biographies, Prospective athlete footage, Video Time Capsules, etc.), add objects to a digital shopping cart, or link to the object's manufacturer website.
- **Talk Back!**—gives consumers the opportunity to voice their opinion in the "Critique Corner." This service will be a useful resource to many fronts; whether it be utilizing the authentic critiscim to effectively tailor our site to our consumers, or allocating the comments as a resource for market research & consumer analysis. This service will provide the neccessary feedback for a consumer conscious evolving website.

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### 3.2 Competitive Comparison

COOLTVNetwork has laid its' foundation on a unique set of entertainment services that offers consumers purchasing power in three distinct markets e-tailing, audio and customizable video, and artist representation. While there are other Internet entertainment companies, none produces or presents products and services in a centralized network of versatile and engaging content. With our proprietary software we make CLICKVideoShopping possible, net-interactivity, and "Pop-up-Video." We create a digital backbone of audio & video entertainment that facilitates local, national, and international users to create their own customized entertainment content in 'Digital Lockers.'

COOLTVNetwork will appeal to all users regardless of geography, age, gender, or race. The idea of being 'aCOOL' is limitless and appealing to all! COOLTVNetwork will signify more than just audio/video streaming; instead, it will be the very essence of entertainment! Individuals will respond to both the completeness and familiarity of the site, the evolution of which they contribute to on a continuing basis.

The nature of encouraging the digital community to participate in the evolution of COOLTVNetwork lies in the recognition that the possibilities are limitless, bounded only by the imagination of the global community. We cannot hope to foresee all of the wonderful and exciting opportunities that will arise as a matter of course in developing the COOLTVNetwork, but our Network will flourish from creating a canvas for the world to paint.

### 3.4 Sourcing

COOLTVNetwork has made key contacts to acquire the video files, which will be securely housed in our database farm. These contacts penetrate local and national arenas in sports, music, commercials, and cartoons.

CLICKVideoShopping will be available to surfers engaging in the sites' archive of video entertainment. The products sold through ClickVideo Shopping will be obtained directly from each products respective manufacturer. This pioneering technology will enhance manufacturers sales exponentially by adding the element of spontaneity to Internet purchases. COOLTVNetwork will benefit by receiving a margin for generating the sale.

Picture surfing @ COOLPlaysoftheDay.com, and reminiscing on game 6 of the Chicago Bulls vs. Utah Jazz play-off. With Chicago trailing by three points, Michael Jordan scores on a drive, strips the ball from Karl Malone, and buries the game-winning shot with 5.2 seconds to go. What if you had the opportunity to click on the Nike or Chicago Bulls logo, pause the video, and link to their respective websites, or click on Michael Jordan's sneakers, and add it to your digital shopping cart, while caught in the awe of The Legend himself. COOLTVNetwork.com will give corporate clients this interactive advertising and marketing edge; an edge that will provide deeper consumer psychological tagging, and more profound product recognition. It will provide the long sought after Buchanan moment, a seducible moment, for consumers via the Internet.

### 3.5 Technology

COOLTVNetwork has dedicated it's efforts and resources to creatively pushing the envelope of technology. Our team has partnered with Exodus Communications, a premier Managed Monitoring Service provider, to obtain cutting edge bandwidth capabilities, hardware, and real-time monitoring.

Our progressive company has meshed innovative ideas with products, services, and marketing phrases that will distinguish COOLTVNetwork.com from it's competition. We are in the process of acquiring trademarks on our products along with the corresponding patents.

Our products & services will make entertainment interactive, centralized, customizable, and on demand. The COOLTVNetwork team is continually generating ideas that will keep us ahead of any spin-off companies that may try to imitate us.

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### 3.6 Future Products and Services

Our team is constantly re-inventing itself. By remembering at every stage that the power belongs to the consumer, we plan on developing a trusted, quality, and personalized entertainment source.

Our team is poised and positioned to bring "iBOONKA!" the web accessible companion and BOONKA! Wear (Children's Sports & Apparel) to children (infants - 10yrs) nationwide, by September 2000.

"iBOONKA!" the information companion ("iCompanion") will usher children into the digital revolution, providing the capacity to download cartoons, games, and interactive educational tools to a mobile "iToy", the next generation in children's entertainment.

In October 2000 COOLTVNetwork will use a unique way of multicasting video with conference rooms, and one-of-a-kind purchase and categorical templates, to tap the lucrative B2B market using interactive video files. It will be the birth of the Internet's first "ClickVideoBay," the next generation in Internet auctions.

With the president of the United States of America, addressing the nation about 'The Digital Divide,' and his firm commission of implementing new policies to increase the exposure of all schools, consumers, and citizens to the Internet, -CNN Headline News (Dec.9, 1999)—it is eminent that we will be entrenched in a digital society. What we are seeing is the beginning of an explosive exponential growth of an era of global inter-connectivity and technology that will usher us (humans) into the sci-fi millennium we envisioned years before.

### 4.0 Market Analysis Summary

#### e-tailing

With the Internet population at 110 million, and 41% of Americans having Internet access from home or office, it will be important for e-businesses to grasp the opportunity of retail via the Internet. Ernst & Young estimates that 9 million households in the U.S. will shop on-line this year, up from 4.5 million in 1997. Forrester Research Inc. of Cambridge, Mass., reported that by 2003, 40 million U.S. households will buy online, growing web revenues to 108 billion. COOLTVNetwork.com will harness the element of video entertainment to tap into this lucrative embryonic Internet retail market. Gen-X surfers will ClickVideoShop @ COOLMusicVideos.com, while Baby Boom surfers ClickVideoShop @ COOLCommercials.com and CoolSportsCenter.com. Surfers will be able to purchase clothing, hardware, footwear, Cd's, cosmetics, sporting goods, etc, while being emotionally enthralled in the video moment. COOLTVNetwork.com fully understands the ramifications of it being "The Year 2000," and that trips to the local department store, grocery store, or neighborhood music outlet are frankly, becoming more passe'. With the changes in business and technology it will be important for businesses to "Get eCOOL!" With the average household receiving 3 to 4 monthly bills on-line, by the end of 1999, and 15 million U.S. households receiving their bills online by 2002, COOLTVNetwork.com will be poised @ entering Internet e-Commerce through the varying facets of entertainment. Every business decision will oscillate around engendering change, thinking "eCOOL!" and continually evolving.

#### Audio

COOLTVNetwork.com will enter the audio market through it's sub affiliate COOLMusicVideos.com. The site will showcase a collage of local and national talent in every genre of music. From CLICKVideoShopping, to music video archives, to live streamed performances, and relative entertainment news, COOLMusicVideos.com will be @ the pulse of the digital revolution. With alternative Internet music stations, like 3WK, boasting 500,000 listeners a month, with more tuning in daily and on-line music sales increasing to \$1.6 billion by 2002 (7.5% of the overall music market), COOLTVNetwork will position itself as the 'Coolest' alternative to the 'Brick and Mortar' establishments of the old. The company will merge old ways of business with cutting edge technology, becoming one of the Internet's 1st 'Clicks & Mortar' establishment. Surfers will have the opportunity to purchase Cd's, Urban and Contemporary clothing, cosmetics, and footwear while being entertained by secured streamed music and music videos from local and national talent. Just as MP3.com's website saw 9 million downloads of more than 56,000 songs—an astounding

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number, given that the vast majority are from unsigned acts, so shall COOLMusicVideos.com position itself as the liaison between local and national talent and music lovers worldwide. Our team pledges to nullify corporate barriers of old business ways, and provide a bridge for genuine talent to effectively enter the market place.

### Video

Video is undoubtedly the last phase in the evolution of multimedia entertainment via the Internet. Although the limiting factor is the available bandwidth, codecs are astutely deciphering the bandwidth puzzle. "As cable modems and DSL connections become common place, fiber crosses the last mile, and codecs get more advanced, downloading music videos, Tv Shows, and even feature films will be apart of our everyday Net experience. We'll use the word 'download' as readily as we say 'catch' a movie or 'pop' in a Cd. MP3 is merely the opening act."—Wired Aug. 1999. COOLTVNetwork.com realizes that the bandwidth bottleneck will be opened, and there will be a convergence of television and computer. "I don't think a lot of people on the consumer level know how much change is about to hit them, especially when it comes to Tv viewing."—David Ostmo, director of operations fro KABB-TV (Warner Bros. Affiliate.) By 2006, television as we know it will change forever. That year is the deadline set by the U.S. Federal Communications Commission (FCC) for all television stations nationwide to switch over to a new digital broadcasting technology. COOLTVNetwork.com is strategically entering the audio/video and e-tailing market, focusing on music, sports, cartoons, and commercials to build a stable of brand capital and a loyal consumer following. COOLTVNetwork.com will actively build a consumer base within the bandwidth limitations, to effectively position itself for the evolution of Internet technology, and the eminent movie on demand market. COOLTVNetwork.com at every stage will perpetuate the quintessence of 'eCOOL!' combining interactivity, technology, e-tailing, and entertainment to provide the Net's most reliable audio/video with retail experience.

COOLTVNetwork.com will use the convergence of audio, video, and retailing to engage consumers psychologically on a more profound level than most websites. The company will create, for the consumer, an 'eCOOL!' Internet City, which will be a virtual entertainment & retailing toy-box filled with an exhaustive repertoire of audio and interactive video. With "Post It Corners," "Forum Lounges," "CLICKVideoShopping," And "Video Time Capsules" of favorite artists and athletes, COOLTVNetwork will embody the essence of 'eCOOL!'

### Corporate Clients

COOLTVNetwork.com will generate revenue from three lucrative streams of users corporate clients, consumers, and artists. Corporate clients will benefit from a wealth of critical consumer information like consumer analysis databases, target market evaluation, demographics, consumer feedback, and positive corporate imaging. The COOLTVNetwork will offer an interactive marketing/advertising tool through ClickVideo technology, that gives corporations a standardized and effective method for tracking "click-through" rates (an effective alternative to banner advertisements).

### Users/Artists

COOLTVNetwork.com will serve its users by offering a worldwide site that will inform and entertain consumers in a real-time interactive environment, twenty-four hours a day, seven days a week. It will provide customers with a primary, centralized location to view all facets of entertainment. COOLTVNetwork.com will present all relevant content in a fully personalized and further customizable manner. Ultimately, a personalized entertainment environment and numerous customizable products will evolve to increase the value of the entertainment purchase. The COOLTVNetwork will be an alliance or virtual symbiotic network between management, users/consumers, and corporate clients. As a team, we will strive to perpetuate the aura of community and effective customer service; incorporating permission-based value added services as email notices & updates, 'Digital Lockers,' tangibles-magazines/newsletters, and people based customer service lines.

"While many companies are just starting to understand the power and potential of the Internet for marketing and advertising, Trans Continental is entering 'their' fourth year of online promotions of its artists." Pearlman (CEO) says "Our websites have provided us with a powerful way to broaden awareness for all of our artists on a cost-effective basis."—Orlando Business Journal. Trans Continental does media, public relations and promotions for recording artists via the Internet. COOLTVNetwork.com will also assist local, national, and international artists in gaining exposure in the recording industry and amateur movie production market. The COOLTVNetwork will be the liaison between amateur talent and the global market place, finding aspiring talent in the music and video production arenas through filtered "Post It Corners," and Video & Audio contests. The company will provide amateur artists, like those who

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created the Blair Witch Project, with marketing (streamed headline video spots, & artist of the week sponsorship . . .), track sales, and merchandising. Users will be able to sample the creative melting-pot of local, national, and international talent through 'Video Biographies,' 'Video Time Capsules of favorite artist, streamed artist interviews, sound samples, and the net-purchase of new releases. With the digital revolution on the rise, COOLTVNetwork.com will give users the opportunity to carve out their own customized and personal digital playground. Through 'Digital Lockers,' 'CLICKVideoShopping,' and 'Thinking eCOOL!', users will have the opportunity to "Get Digi!" @ COOLTVNetwork.com, The Internet's Audio/Video Solution; "Just a Click Away."

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From: Shannon Audette  
To: Christine McLeod  
Date: 3/1/00 9:06AM  
Caller: Franz Wakefield  
Phone: 305-512-6489

☒ Telephoned  
☐ Will call again  
☐ Wants to see you  
☐ Urgent

☒ Please call  
☐ Returned your call  
☐ Came to see you

Re: Reconsidering a professional patent search. Funds for company are scarce and he will be doing some research on his own. He would like to go ahead directly with the patent.

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SALIWANCHIK, LLOYD & SALIWANCHIK  
A Professional Association

2421 N.W. 41st Street

Suite A-1

Gainesville, Florida 32606-6669

Telephone 352-375-8100

Facsimile 352-372-5800

Roman Saliwanchik  
(1926 - 1999)

ORLANDO OFFICE  
1000 Legion Place, Suite 1750  
Orlando, FL 32801  
Telephone 407-426-7500  
Facsimile 407-839-8589

February 29, 2000

Franz A. Wakefield, President  
CoolTvNetwork.com  
17731 N.W. 14th Ct.  
Miami, FL 33169

Via Facsimile  
(305) 512-6480

Re: Agreement for Legal Services for:  
ClickVideoShop software  
Our File No. CTN-MISC

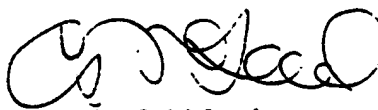
Dear Franz:

We are pleased that you expressed an interest in retaining our firm to handle your patent matters. To that end, please find enclosed an Agreement for Legal Services for your review and execution. Upon receipt of the signed Agreement and the fee specified therein, we will commission a search for your technology. You should keep a copy of the executed Agreement for your records.

As we discussed, we estimate the cost of performing a patentability search for your invention by a professional searcher would be in the neighborhood of \$700 including our fee for commissioning the search. We request an advance retainer of \$400 prior to commissioning the search. The balance, if any, will be billed to you upon our receipt of the search from our searcher. Please note that this estimate does not include our fee for analyzing the search results or providing you with an opinion of patentability, which would be billed at an hourly rate of \$200 per hour. We will not review the results nor prepare an opinion without your express instructions.

Please let us know if you have any questions or comments. We look forward to working with you.

Sincerely,



Christine Q. McLeod

CQM/jss  
Enclosure (as stated above)

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## Agreement For Legal Services

I, the undersigned client, do hereby retain and employ Saliwanchik, Lloyd & Saliwanchik A Professional Association, 2421 N.W. 41st Street, Suite A-1, Gainesville, Florida 32606, as my attorneys to represent me for the purposes of securing intellectual property protection (patent/trademark) for my invention/product.

I agree to pay Saliwanchik, Lloyd & Saliwanchik the amount of \$400.00 as an advance for services to be rendered and expenses incurred. I understand that the funds advanced pursuant to this agreement will be placed into an interest bearing IOTA account (Interest on Trust Account) and that the interest will be forwarded to the Florida Bar Foundation as required by the Florida Rules of Professional Conduct. I understand that I will not receive interest on the advance I am providing.

I understand that Saliwanchik, Lloyd & Saliwanchik will, on a periodic basis, bill me for the services rendered and expenses incurred, and that I shall have ten (10) working days in which to contest any bill. I understand that, after said ten (10) working days, Saliwanchik, Lloyd & Saliwanchik will consider the amount billed to have been fully earned and will then transfer the billed amount from the fees advanced into its general operating fund as payment for services rendered and expenses incurred. I further acknowledge that when the amount provided as an advance has been exhausted, I will, within thirty (30) days, provide the difference between moneys on hand as advanced and the additional billed amount. Alternatively, or additionally, Saliwanchik, Lloyd & Saliwanchik may require that I keep a minimum balance in the trust account if ongoing work is contemplated. Saliwanchik, Lloyd & Saliwanchik will provide me with an accounting of my outstanding balance on a periodic basis and will return to me any unearned amount of the advance upon conclusion of the representation.



I agree that any attorney in the firm may be designated to perform services for me under this agreement.

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Client Signature:

Name (Typed): Mr. Franz A. Wakefield

Address: 17731 N.W. 14th Court

Miami, FL 33169

Telephone No.: (305) 512-6489

The above employment is hereby accepted upon the terms stated herein for:

Saliwanchik, Lloyd & Saliwanchik  
A Professional Association

Attorney:



Name (Typed): Christine Q. McLeod

Appn: 09/877,729 (Wakefield) GAU 2174 17 OF 50

From: Shannon Audette  
To: Christine McLeod  
Date: 2/25/00 12:04PM  
Caller: Franz Wakefield  
Phone: 305-512-6489

☒ Telephoned  
☐ Will call again  
☐ Wants to see you  
☐ Urgent

☒ Please call  
☐ Returned your call  
☐ Came to see you

Did you receive the outline? He is eager to begin with the next step.

2/25 - 12:09 AM - Rd call. Confirmed receipt  
of message. Passed info along to CM  
& he will get back to you sometime next  
week. *fb*

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perfecting.

From: Amy Ashley  
To: Christine McLeod  
Date: 2/23/00 11:03AM  
Caller: Franz Wakefield  
Phone: 305-512-6489

☐ Telephoned  
☐ Will call again  
☐ Wants to see you  
☐ Urgent

☒ Please call  
☐ Returned your call  
☐ Came to see you

wondered if you received his letter re: characteristics of his invention

PLC 2/23 left msg - no I did  
not receive anything recently.

Appn: 09/877,729 (Wakefield) GAU 2174 19 OF 50



February 18, 2000

Christine Q. Mcleod  
Saliwanchik, Lloyd & Saliwanchik  
2421 N.W. 41<sup>st</sup> Street Suite A-1  
Gainesville, Florida 32606-6669

Christine,

Enclosed is the information you requested regarding the details of the invention, some related patents, and our differentiation. I have sent the disclosure deposit forms with the appropriate fee. Please advise me on your ideas on completing a professional search.

Is it safe to assume that a professional patent search is the best course to take if we intend on patenting around similar patents?

Please get back in touch with me regarding this matter so we can take the appropriate steps in an expedient fashion.

Best Regards,

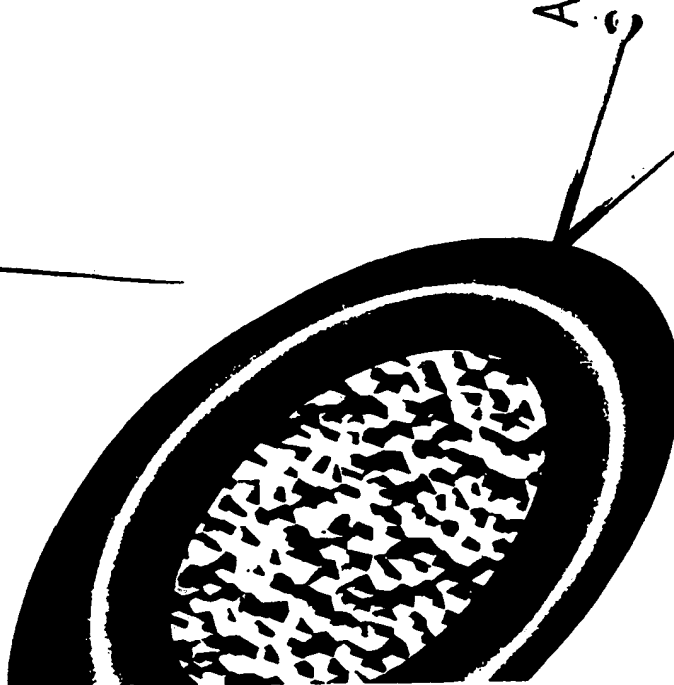
Franz A. Wakefield  
President  
COOLTVNetwork.com

Internet Audio-Video Entertainment

FEB 22 2000

*jm*

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#### INVENTION SUMMARY

The purpose of this document is to describe the purpose and methodology of the ClickVideoShop software. In conjunction with prerecorded video, this software is a key component in providing an immersive and interactive user experience via the internet. The ClickVideoShop software is written in the Java programming language, which allows the ClickVideoShop experience to be enjoyed on a wide variety of computing platforms. The ClickVideoShop software facilitates the use of a video source as a conduit to accessing related information. The prerecorded video provides the foundation to engage the user in the content of the web site. The ClickVideoShop software uses "hot spots," or areas in the video playback area delineated by outlines or shading, as visual cues to alert the user that clicking within the hot spot gives them access to additional information. This is analogous to a hypertext link being highlighted in an HTML when the cursor moves over it. The type and delivery of the additional information is user-controlled by a menu bar displayed at the top or bottom of the area where the video is playing. Clicking on options in the menu bar determines what action is taken when the user clicks on a hot spot. The software currently supports four modes: "ClickVideoShop", where clicking on a hot spot adds the item to the user's shopping cart, "Entertain" mode, where clicking on the hot spot opens another movie in another browser, "Link", where clicking on a hot spot opens another web page, and "Bid", which enters a bid for the item into the specified bidding system. A hot spot must support at least one of these modes, and can support all four if desired. The software provides for a virtually unlimited number of associations between video and internet-accessible information since the extensibility of the menu bar allows code to support additional relationships to be added. For example, during playback of a music video, a hot spot could load in-depth product or performer information, a bid submission form, or an additional movie. The hot spot is also defined by the time during video playback when it is active. A hot spot is activated when the user moves the cursor into the hot spot's area at a point in time within the interval in which the hot spot is specified to be active or when the object on the screen is illuminated, outlined, or shaded. An active hot spot is one in which the perimeter of its area is visible, or the area has been shaded. The information to define a hot spot, which includes its area within the video playback area, the additional information it references, and its begin and end activation time is specified in a data file, which is loaded when the video is loaded and may contain as many hot spot definitions as necessary. When the video reaches the end, the data file also specifies whether or not playback of the video should start again at the beginning.

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## Summary of the HTML and Data File Contents

The HTML document loaded by the web browser contains tags that specify:

- 1.) The path to a Java applet containing the object code necessary to execute the claims specified in the patent
- 2.) The path to the video file that the applet will play.
- 3.) The path to a data file that contains variables used to create objects that contain the information needed to represent areas on the screen, called "hot spots", in software.

The data file contains tags that specify:

- 1.) Whether the movie should only play once or continue to loop.
- 2.) The URL of the web page to open when the object is clicked.
- 3.) A signature that uniquely identifies an item so that it can be added to a shopping cart when the object is clicked.
- 4.) The URL of a movie to play when the object is clicked.
- 5.) A signature that uniquely identifies an item such that a bid for it can be entered into a bidding system when clicked.

Tag (1) is required, and at least one of (2)-(5) must be specified

## Discussion of Related Patents

*5,918,012: Hyperlinking time-based data files*

Embeds movies into another file type

Doesn't state that it uses hot spots

Doesn't load the data file at startup – consults it on every click

*5,708,845: System for mapping hot spots in media content for interactive digital media program*

Uses the term hot spot explicitly

States that the data file is separate from the movie

Doesn't talk about only linking to web pages- talks about linking to additional types of data. However, they don't discuss the user having the ability to change the type of information the hot spot links to, or having a hot spot link to multiple types of information

*Microsoft Developer Article: AVI Files with Hot Spots*

[http://msdn.microsoft.com/library/techart/msdn\\_avihot.htm](http://msdn.microsoft.com/library/techart/msdn_avihot.htm)

*5,539,871: Method and system for accessing associated data sets in a multimedia environment in a data processing system*

Talks about associating data with elements in a multimedia presentation

Talks about using graphical cues to indicate a hyperlink

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*5,970,504: Moving image anchoring apparatus and hypermedia apparatus which estimate the movement of an anchor based on the movement of the object with which the anchor is associated*  
Talks about time intervals in which the hyperlink is active  
Very verbose – didn't get a chance to finish reading through it

AppN: 09/877, 729 (Wakefield) GAU 2174 23 OF 50

From: Amy Ashley  
To: Christine McLeod  
Date: 2/17/00 10:43AM  
Caller: Franz Wakefield  
Phone: 305-512-6489

CTN-MISC  
(pat ing).

☐ Telephoned  
☐ Will call again  
☐ Wants to see you  
☐ Urgent

☒ Please call  
☐ Returned your call  
☐ Came to see you

questions re: document disclosure request; he's unsure how detailed he should be regarding the description of his invention since the document offers no protection (he's conducting an experiment today, so he may need to call you back)

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fax - 305-512-6489

PLC left msg.

PLC 2/29/00 -

\* \$400 deposit & ask → <sup>quote</sup> \$700

\* \$provisional minimum 3000-4000  
unless inventor provides entire  
technical description, then can  
be about \$1000-2000.

\* try to get faster than 3-5 weeks.  
(Just file 5-10 day turnaround).

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SALIWANCHIK, LLOYD & SALIWANCHIK  
A Professional Association

2421 N.W. 41st Street  
Suite A-1

Gainesville, Florida 32606-6669  
Telephone 352-375-8100  
Facsimile 352-372-5800

Roman Saliwanchik  
(1926 - 1999)

ORLANDO OFFICE

1000 Legion Place, Suite 1750  
Orlando, FL 32801  
Telephone 407-426-7500  
Facsimile 407-839-8589

February 14, 2000

Franz A. Wakefield, President  
CoolTvNetwork.com  
17731 N.W. 14th Ct.  
Miami, FL 33169

Re: United States Patent and Trademark Office Document Disclosure Program  
Our Docket No.: CTN-MISC

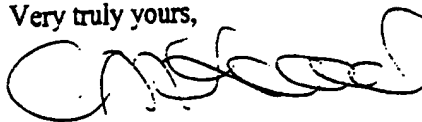
Dear Franz:

Enclosed for your review are copies of the Patent Office's guidelines regarding the Disclosure Document Program. As part of the documentation of the conception of your invention, you may wish to utilize this program. If so, please complete the form and mail it to the Patent Office as addressed in the upper left-hand corner of the form along with a detailed description of your invention, a check in the amount of \$10 made payable to the "Assistant Commissioner for Patents" and a self-addressed, stamped return postcard to acknowledge receipt.

This document provides no patent protection nor does it serve as a "grace period" prior to filing your application. This program merely serves as additional evidence of the date of conception of an invention and must be referenced in a later filed patent application within two years.

If you have any questions, please do not hesitate to call.

Very truly yours,



Christine Q. McLeod

CQM/aa  
Enclosure (as stated above)

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## Disclosure Document Deposit Request

**Mail to:**

Box DD  
Assistant Commissioner for Patents  
Washington, DC 20231

Inventor(s): \_\_\_\_\_

Title of Invention: \_\_\_\_\_

Enclosed is a disclosure of the above-titled invention consisting of \_\_\_\_\_ sheets of description and \_\_\_\_\_ sheets of drawings. A check or money order in the amount of \_\_\_\_\_ is enclosed to cover the fee (37 CFR 1.21(c)).

The undersigned, being a named inventor of the disclosed invention, requests that the enclosed papers be accepted under the Disclosure Document Program, and that they be preserved for a period of two years.

\_\_\_\_\_  
Signature of Inventor

\_\_\_\_\_  
Address

\_\_\_\_\_  
Typed or printed name

\_\_\_\_\_  
Date

\_\_\_\_\_  
City, State, Zip

### NOTICE TO INVENTORS

It should be clearly understood that a Disclosure Document is not a patent application, nor will its receipt date in any way become the effective filing date of a later filed patent application. A Disclosure Document may be relied upon only as evidence of conception of an invention and a patent application should be diligently filed if patent protection is desired.

Your Disclosure Document will be retained for two years after the date it was received by the Patent and Trademark Office (PTO) and will be destroyed thereafter unless it is referred to in a related patent application filed within the two-year period. The Disclosure Document may be referred to by way of a letter of transmittal in a new patent application or by a separate letter filed in a pending application. Unless it is desired to have the PTO retain the Disclosure Document beyond the two-year period, it is not required that it be referred to in the patent application.

The two-year retention period should not be considered to be a "grace period" during which the inventor can wait to file his/her patent application without possible loss of benefits. It must be recognized that in establishing priority of invention an affidavit or testimony referring to a Disclosure Document must usually also establish diligence in completing the invention or in filing the patent application since the filing of the Disclosure Document.

If you are not familiar with what is considered to be "diligence in completing the invention" or "reduction to practice" under the patent law or if you have other questions about patent matters, you are advised to consult with an attorney or agent registered to practice before the PTO. The publication, *Attorneys and Agents Registered to Practice Before the United States Patent and Trademark Office*, is available from the Superintendent of Documents, Washington, DC 20402. Patent attorneys and agents are also listed in the telephone directory of most major cities. Also, many large cities have associations of patent attorneys which may be consulted.

You are also reminded that any public use or sale in the United States or publication of your invention anywhere in the world more than one year prior to the filing of a patent application on that invention will prohibit the granting of a patent on it.

Disclosures of inventions which have been understood and witnessed by persons and/or notarized are other examples of evidence which may also be used to establish priority.

There is a nationwide network of Patent and Trademark Depository Libraries (PTDLs), which have collections of patents and patent-related reference materials available to the public, including automated access to PTO databases. Publications such as *General Information Concerning Patents* are available at the PTDLs, as well as the PTO's Web site at [www.uspto.gov](http://www.uspto.gov). To find out the location of the PTDL closest to you, please consult the complete listing of all PTDLs that appears on the PTO's Web site or in every issue of the *Official Gazette*, or call the PTO's General Information Services at 800-PTO-9199 (800-786-9199) or 703-308-HELP (703-308-4357). To ensure assistance from a PTDL staff member, you may wish to contact a PTDL prior to visiting to learn about its collections, services, and hours.

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## DISCLOSURE DOCUMENT PROGRAM

A service provided by the US Patent and Trademark Office (PTO) is the acceptance and preservation for two years of "Disclosure Documents" as evidence of the date of conception of an invention.

A paper disclosing an invention (called a Disclosure Document) and signed by the inventor or inventors may be forwarded to the PTO by the inventor (or by any one of the inventors when there are joint inventors), by the owner of the invention, or by the attorney or agent of the inventor(s) or owner. The Disclosure Document will be retained for two years, and then be destroyed unless it is referred to in a separate letter in a related patent application filed within those two years.

THE DISCLOSURE DOCUMENT IS NOT A PATENT APPLICATION, AND THE DATE OF ITS RECEIPT IN THE PTO WILL NOT BECOME THE EFFECTIVE FILING DATE OF ANY PATENT APPLICATION SUBSEQUENTLY FILED. LIKE PATENT APPLICATIONS, THESE DOCUMENTS WILL BE KEPT IN CONFIDENCE BY THE PATENT AND TRADEMARK OFFICE.

This program does not diminish the value of the conventional, witnessed, permanently bound, and page-numbered laboratory notebook or notarized records as evidence of conception of an invention, but it should provide a more credible form of evidence than that provided by the popular practice of mailing a disclosure to oneself or another person by registered mail.

### Content of the Disclosure Document

The benefits afforded by the Disclosure Document will depend directly upon the adequacy of the disclosure. It is strongly recommended that the document contain a clear and complete explanation of the manner and process of making and using the invention in sufficient detail to enable a person having ordinary knowledge in the field of the invention to make and use the invention. When the nature of the invention permits, a drawing or sketch should be included. The use or utility of the invention should be described, especially in chemical inventions.

### Preparation of the Document

A standard format for the Disclosure Document is required to facilitate the PTO's electronic data capture and storage. The Disclosure Document (including drawings or sketches) must be on white letter-size (8.5 by 11 inch) or A4 (21.0 by 29.7 cm) paper, written on one side only, with each page numbered. Text and drawings must be sufficiently dark to permit reproduction with commonly used office copying machines. Oversized papers, even if foldable to the above dimensions, will not be accepted. Attachments such as videotapes and working models will not be accepted and will be returned.

### Other Enclosures

The Disclosure Document must be accompanied by a separate cover letter signed by the inventor stating

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that he or she is the inventor and requesting that the material be received under the Disclosure Document Program. The inventor's request may take the following form:

"The undersigned, being the inventor of the disclosed invention, requests that the enclosed papers be accepted under the Disclosure Document Program, and that they be preserved for a period of two years."

A Disclosure Document Deposit Request form (PTO/SB/95) can also be used as a cover letter. This form is available at the PTO Web site at <http://www.uspto.gov> or by calling PTO General Information Services at 800-786-9199 or 703-308-4357.

A notice with an identifying number and date of receipt in the PTO will be mailed to the customer, indicating that the Disclosure Document may be relied upon only as evidence and that a patent application should be diligently filed if patent protection is desired. The PTO prefers that applicants send two copies of the cover letter or Disclosure Document Deposit Request form and one copy of the Disclosure Document, along with a self-addressed stamped envelope. The second copy of the cover letter or form will be returned with the notice. It is not necessary to submit more than one copy of the document in order for it to be accepted under the Disclosure Document Program.

### WARNING to Inventors

The two-year retention period is not a "grace period" during which the inventor can wait to file his or her patent application without possible loss of benefits. It must be recognized that, in establishing priority of invention, an affidavit or testimony referring to a Disclosure Document must usually also establish diligence in completing the invention or in filing the patent application after the filing of the Disclosure Document.

Inventors are also reminded that any public use or sale in the United States or publication of the invention anywhere in the world more than one year prior to the filing of a patent application on that invention will prohibit the granting of a U. S. patent on it. Foreign patent laws in this regard may be much more restrictive than U. S. laws.

The PTO advises inventors who are not familiar with the requirements of U. S. patent law and procedures to consult an attorney or agent registered to practice before the PTO.

A list of the Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office can be viewed and searched at no charge at the PTO Web Site at <http://www.uspto.gov> and examined without charge at Patent and Trademark Depository Libraries (PTDLs). PTO General Information Services will provide a list of names of attorneys and agents for a particular city or zip code for customers without Web access. Call 800-786-9199 or 703-308-4357.

This list may be purchased from the PTO on CD-ROM by calling 703-306-2600. A print publication of the Attorneys and Agents Registered to Practice Before the U. S. Patent and Trademark Office may be available from:

Superintendent of Documents  
P.O. Box 371954  
Pittsburgh, PA 15250-7954  
202-512-1800

Call 202-512-1800 to check on availability. The Superintendent of Documents sales site is at:

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## Disposition

The Disclosure Document will be preserved by the PTO for two years after its receipt. It will be destroyed unless it is referred to in a separate letter in a related patent application filed within the two-year period. The separate letter filed in the related patent application must identify not only the patent application, but also the Disclosure Document by its title, number, and date of receipt in the PTO. Acknowledgment of such letters will be made in the next official communication or in a separate letter from the Patent and Trademark Office.

## Fee

A fee of \$10.00 in the form of a check or money order made payable to "Assistant Commissioner for Patents" must accompany the Disclosure Document when it is submitted to the Patent and Trademark Office. Documents without the full fee will be returned. Mail the Disclosure Document with payment to:

## Box DD

Assistant Commissioner for Patents  
Washington, DC 20231

Applicants can request a copy of their Disclosure Document as filed in the Patent and Trademark Office if they are the original submitters of the document. The request must be made in writing and accompanied by a fee of \$25.00.

Fees are subject to change annually. To confirm current fees, PTO General Information Services (GIS) Customer Representatives can be reached from 8:30 a.m. to 8:00 p.m. Eastern Time, Monday through Friday (except Federal holidays) by calling 800-786-9199 or 703-308-4357. The GIS fax number is 703-305-7786 and the TTY is 703-305-7785. Find the current fee schedule and other information about the PTO at Go to USPTO Home Page.

## Provisional Application for Patent

Inventors also have the option of filing a Provisional Application for Patent. View information about this related service at the PTO Web site or request a print brochure by calling 800-786-9199 or 703-308-4357.

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From: Amy Ashley  
To: Christine McLeod  
Date: 2/14/00 9:04AM  
Caller: Franz Wakefield  
Phone: 305-512-6489

☐ Telephoned  
☐ Will call again  
☐ Wants to see you  
☐ Urgent

☒ Please call  
☐ Returned your call  
☐ Came to see you

if he's not there, leave a msg. with the best time for him to call

- He did his own search.

Trying to save \$, not  
sure whether do have prof  
search done.

- Making flow chart + summary.

- will send along w/ copies of  
papers he found.

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7...  
file  
|

From: Amy Ashley  
To: Christine McLeod  
Date: 2/7/00 8:39 AM  
Caller: Franz Wakefield  
Phone: 305-512-6489

☐ Telephoned  
☐ Will call again  
☐ Wants to see you  
☐ Urgent

☒ Please call  
☐ Returned your call  
☐ Came to see you

AC 2/8/00 - Gft msg. that I  
received + would review  
materials + call back  
tomorrow.

PLC 2/11/00 - Reviewed disclosure -  
Call back to begin process.

Appn: 09/8777,729 (Wakefield) GAU 2174 31 OF 50

**From:** Shannon Audette  
**To:** Christine McLeod  
**Date:** 2/8/00 12:19PM  
**Caller:** Franz Wakefield  
**Phone:** 305-512-6489

☒ Telephoned  
☐ Will call again  
☐ Wants to see you  
☐ Urgent

☒ Please call  
☐ Returned your call  
☐ Came to see you

I told him that you were out to lunch and that you did get his package. He would like for you to call him.

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FEB - 4 2000

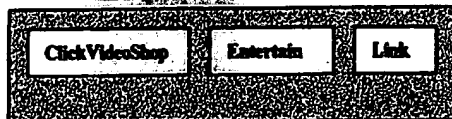
January 31, 2000

Saliwanchik, Lloyd, & Saliwanchik  
2421 N.W. 41<sup>st</sup> Street Suite A-1  
Gainesville, Florida 32606-6669

Christine,

The information included in this package should bring you up to speed on my business concept and the cutting edge technology, I believe will revolutionize today's Internet culture. Although there may be other entities that may have approached the concept, I believe the idea of placing the video in various modes while simultaneously using the video objects as hyperlinks is our differentiating factor.

Ex: (Running Video)



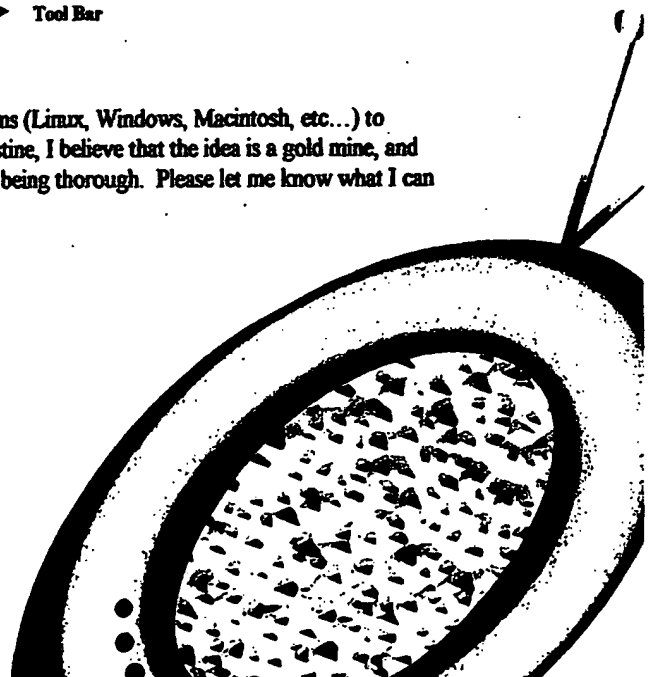
Tool Bar

The technology will be made to work on different platforms (Linux, Windows, Macintosh, etc...) to maximize the site's user population and interaction. Christine, I believe that the idea is a gold mine, and We should take all the necessary steps to move fast while being thorough. Please let me know what I can do to make your job easier.

Best Regards,

Franz A. Wakefield  
President & CEO  
COOLTVNetwork.com  
Internet Audio & Video Entertainment

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## 1.2 Mission

COOLTVNetwork.com will aggregate entertainment sources (music, sports, cartoons, and commercials) to offer a variety of self-contained, yet complementary entertainment portals. COOLTVNetwork.com will appeal to a diverse cross-section of potential users. With its proprietary viewing software, users will "ClickVideoShop" @ COOLTVNetwork.com and experience revolutionary interactive entertainment and a unique kind of virtual shopping.

The overall positioning of the site is embodied in the appeal of being 'eCOOL!'. Whether it's youths or adults, users will associate COOLTVNetwork.com with being involved in the most cutting-edge entertainment experience available; sports, music, cartoons, commercials, and ultimately movies and other audio/video options will position our site as the most complete, convenient and customizable source for entertainment. The balance between the old and the new will create both nostalgia and excitement for site visitors. The past, present and future of 'eCOOL!' will be available at the click of a button. And, it can be viewed using the latest in video browser technology, highlighting the experience for the consumer and offering marketing opportunities for the retailer.

The sites' diverse and comprehensive archive of entertainment options, from music to sports, will create the 'stickiest' virtual entertainment site on the Internet. Just a click away, "Hot Spots" attached to objects in the video files will incapsulate users in the euphoria of the video moment. CLICKVideoShopping will create the long sought after Buchanan moment on the Internet. This 'seducible' moment, will entice consumers to purchase video objects, link to other videos, or connect to the manufacturer's website. With the attraction of superior proprietary technology, traditional local marketing, customized consumer specific target marketing, and expanding/promoting according to the particular tastes of our users, COOLTVNetwork.com will develop a trusted, quality, and personalized entertainment source, for a worldwide audience.

COOLTVNetwork.com will evolve into the Internet's first ClickVideoBay filled with fully interactive entertainment ClickVideoShops. The network will become a personalized kaleidoscope of its customers favorite blend of the old with the new. An archive of video content will hark of the days when your favorite athlete captured your imagination, when your favorite performer inspired your creativity, or when you first heard the catchy slogan that became the buzz of your generation. Interaction with cutting-edge artists, memorable live entertainment events, and local involvement such as music videos and homemade commercials will also populate COOLTVNetwork.com. COOLTVNetwork.com will be a site the whole family can enjoy. While adults enjoy music and sports and other video entertainment, the next generation of Cool kids will begin with cartoons on the COOLCartoons network. Customers will enjoy the value-added aspects of technology appeal, input recognition and personalized attention. They will experience a proverbial cyberspace playground, featuring provocative and eclectic content in a friendly environment.

COOLTVNetwork.com will utilize its competitive advantages to become one of the most respected names in the entertainment industry and will effectively appeal to many different Internet user segments. Besides the audience of consumers, COOLTVNetwork.com will offer significant benefits to corporate clients. Capturing this important segment of users will allow COOLTVNetwork to evolve into a centralized resource for entertainment, marketing, retailing, research, and artist interaction. COOLTVNetwork.com will emerge as the materialization of an industry leader which embodies the future of the video production, delivery and distribution industry.

With a never-ending enthusiasm for their global audio and video community, artists, promoters and users alike will fuel the creative Mecca known as COOLTVNetwork.com. The content and environment of COOLTVNetwork.com will be shaped by the creativity of all of the participants. In this respect, traditional corporate policies will not be applicable; the power will remain in the hands of all of the creators. The vibrancy and excitement of the entertainment industry will create a culture that engages and entertains. The network will be an extension of the richness of each portal. It will be a canvas for a global community of users to decorate.

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### 3.0 Products and Services

COOLTVNetwork.com's longterm vision will be encapsulated in being pioneers of net-interactivity, entertainment, CLICKVideoShopping, & becoming the industry leader for audio- and video- entertainment needs. Our company has positioned itself to transcend these basic corporate strategies across various entertainment categories (Sports, Music, Entertaining Commercials, & Cartoons/VideoGames).

Our corporate formula is equal to four entertainment sites under the COOLTVNetwork. Each exemplifying cutting-edge technology, net-interactivity, customizable entertainment, & CLICKVideoShopping.

#### Products (COOLPlaysoftheDay.com/Sports Center)

- Sports Equipment
- Sports Wear
- Footwear
- Memrobilia
- iBOONKA! the web accessible iToy
- BOONKA! Wear

#### Products (COOLCommercials.com)

- Consumables
- iBOONKA! the web accessible iToy
- BOONKA! Wear
- Memrobilia

#### Products(COOLMusicVideos.com)

- CD's
- Urban & Contemporary clothing
- Cosmetics
- Footwear
- iBOONKA! the web accessible iToy
- BOONKA! Wear

#### Products (COOLCartoons.com)

- Toys
- iBOONKA! the web accessible iToy
- BOONKA! Wear
- Video Games
- Educational Tools
- Memrobilia

#### Services Related To Site Genre

- Interactive Entertainment Video Archive (with CLICKVideoShopping)
- Membership ("Digital Lockers") with customized entertainment
- Live & Looped interviews with local, national, & international artists, athletes, and celebrities
- Home Talent contests @ in the "Post-It-Corner"
- Entertaining Video Biographies (video footage of career growth) of artists, athletes, celebrities, company or product lines
- "Now-&-Then" entertainment news
- "Video Time Capsules" of our favorite moments with athletes, performers, and commentators of our time
- Interactive Games
- "ClickVideoAuctions" in Fan-club arenas
- Talk Back! in the "Critique Corner"
- Consumer & Market Research

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### 3.1 Product and Service Description

#### Products

Through our patented CLICKVideoShopping technology, COOLTVNetwork.com will sell a collage of brand name products like Nike, FUBU, Polo, Spalding, Lorel, Karl Kani, Nautica, Arista Records, Pro Player, eToys, Wilson, and eBay. Delivering to a long waited digital community, the Net's 1st. customizable entertainment, with e-tailing experience.

#### Services

- **Digital Lockers**—allows members to search the interactive entertainment database for their favorite selections and save them in their own personalized and private digital space. Users can chose to store & organize video entertainment, entertainment news past & present, and personal notes.
- **Video Time Capsules**—offers users special video compilations of their favorite era in time.
- **Video Biographies**—offers users special video compilations of their favorite athletes, artists, and entertainers.
- **Post-It-Corners**—gives users, with aspirations to be in the entertainment industry, the creative outlet to "Post-It!" (music singles, video scenes from aspiring Big Screen movie makers, & Video Biographies from hopefull supermodels). This service will provide the global community with a grab-bag of quality, filtered, and a vivid source for entertainment.
- **Now-&-Then Entertainment News**—gives users a searchable database of video footage, and text information that documents entertainment news of the past and present. This service will span a variety of entertainment categories under the COOLTVNetwork, focusing on the event and the relevant artist, athletes, and entertainers.
- **CLICKVideoShopping**—presents proprietary CLICKVideo technology to net-surfers and allows them to place the actual video files in Entertain, CLICKVideoShop, or Link mode. These particular modes will allow the user to click on video objects, open other relative videos (Video Biographies, Prospective athlete footage, Video Time Capsules, .etc.), add objects to a digital shopping cart, or link to the object's manufacturer website.
- **Talk Back!**—gives consumers the opportunity to voice their opinion in the "Critique Corner." This service will be a useful resource to many fronts, whether it be utilizing the authentic criticism to effectively tailor our site to our consumers, or allocating the comments as a resource for market research & consumer analysis. This service will provide the neccessary feedback for a consumer conscious evolving website.

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### 3.2 Competitive Comparison

COOLTVNetwork has laid its foundation on a unique set of entertainment services that offers consumers purchasing power in three distinct markets e-tailing, audio and customizable video, and artist representation. While there are other Internet entertainment companies, none produces or presents products and services in a centralized network of versatile and engaging content. With our proprietary software we make CLICKVideoShopping possible, net-interactivity, and "Pop-up-Video." We create a digital backbone of audio & video entertainment that facilitates local, national, and international users to create their own customized entertainment content in 'Digital Lockers.'

COOLTVNetwork will appeal to all users regardless of geography, age, gender, or race. The idea of being 'eCOOL' is limitless and appealing to all! COOLTVNetwork will signify more than just audio/video streaming; instead, it will be the very essence of entertainment! Individuals will respond to both the completeness and familiarity of the site, the evolution of which they contribute to on a continuing basis.

The nature of encouraging the digital community to participate in the evolution of COOLTVNetwork lies in the recognition that the possibilities are limitless, bounded only by the imagination of the global community. We cannot hope to foresee all of the wonderful and exciting opportunities that will arise as a matter of course in developing the COOLTVNetwork, but our Network will flourish from creating a canvas for the world to paint.

### 3.4 Sourcing

COOLTVNetwork has made key contacts to acquire the video files, which will be securely housed in our database farm. These contacts penetrate local and national arenas in sports, music, commercials, and cartoons.

CLICKVideoShopping will be available to surfers engaging in the sites' archive of video entertainment. The products sold through ClickVideo Shopping will be obtained directly from each products respective manufacturer. This pioneering technology will enhance manufacturers sales exponentially by adding the element of spontaneity to Internet purchases. COOLTVNetwork will benefit by receiving a margin for generating the sale.

Picture surfing @ COOLPlaysoftheDay.com, and reminiscing on game 6 of the Chicago Bulls vs. Utah Jazz play-off. With Chicago trailing by three points, Michael Jordan scores on a drive, strips the ball from Karl Malone, and buries the game-winning shot with 5.2 seconds to go. What if you had the opportunity to click on the Nike or Chicago Bulls logo, pause the video, and link to their respective websites, or click on Michael Jordan's sneakers, and add it to your digital shopping cart, while caught in the awe of The Legend himself. COOLTVNetwork.com will give corporate clients this interactive advertising and marketing edge; an edge that will provide deeper consumer psychological tagging, and more profound product recognition. It will provide the long sought after Buchanan moment, a seducible moment, for consumers via the Internet.

### 3.5 Technology

COOLTVNetwork has dedicated its efforts and resources to creatively pushing the envelope of technology. Our team has partnered with Exodus Communications, a premier Managed Monitoring Service provider, to obtain cutting edge bandwidth capabilities, hardware, and real-time monitoring.

Our progressive company has meshed innovative ideas with products, services, and marketing phrases that will distinguish COOLTVNetwork.com from its competition. We are in the process of acquiring trademarks on our products along with the corresponding patents.

Our products & services will make entertainment interactive, centralized, customizable, and on demand. The COOLTVNetwork team is continually generating ideas that will keep us ahead of any spin-off companies that may try to imitate us.

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### 3.6 Future Products and Services

Our team is constantly re-inventing itself. By remembering at every stage that the power belongs to the consumer, we plan on developing a trusted, quality, and personalized entertainment source.

Our team is poised and positioned to bring "iBOONKA!" the web accessible companion and BOONKA! Wear (Children's Sports & Apparel) to children (infants - 10yrs) nationwide, by September 2000.

"iBOONKA!" the information companion ("iCompanion") will usher children into the digital revolution, providing the capacity to download cartoons, games, and interactive educational tools to a mobile "iToy," the next generation in children's entertainment.

In October 2000 COOLTVNetwork will use a unique way of multicasting video with conference rooms, and one-of-a-kind purchase and categorical templates, to tap the lucrative B2B market using interactive video files. It will be the birth of the Internet's first "ClickVideoBay," the next generation in Internet auctions.

With the president of the United States of America, addressing the nation about 'The Digital Divide,' and his firm commission of implementing new policies to increase the exposure of all schools, consumers, and citizens to the Internet, -CNN Headline News (Dec. 9, 1999)—it is eminent that we will be entrenched in a digital society. What we are seeing is the beginning of an explosive exponential growth of an era of global inter-connectivity and technology that will usher us (humans) into the sci-fi millennium we envisioned years before.

### 4.0 Market Analysis Summary

#### e-tailing

With the Internet population at 110 million, and 41% of Americans having Internet access from home or office, it will be important for e-businesses to grasp the opportunity of retail via the Internet. Ernst & Young estimates that 9 million households in the U.S. will shop on-line this year, up from 4.5 million in 1997. Forrester Research Inc. of Cambridge, Mass., reported that by 2003, 40 million U.S. households will buy online, growing web revenues to 108 billion. COOLTVNetwork.com will harness the element of video entertainment to tap into this lucrative embryonic Internet retail market. Gen-X surfers will ClickVideoShop @ COOLMusicVideos.com, while Baby Boom surfers ClickVideoShop @ COOLCommercials.com and CoolSportsCenter.com. Surfers will be able to purchase clothing, hardware, footwear, Cd's, cosmetics, sporting goods, . . . etc, while being emotionally entranced in the video moment. COOLTVNetwork.com fully understands the ramifications of it being "The Year 2000," and that trips to the local department store, grocery store, or neighborhood music outlet are frankly, becoming more passe'. With the changes in business and technology it will be important for businesses to "Get eCOOL!" With the average household receiving 3 to 4 monthly bills on-line, by the end of 1999, and 15 million U.S. households receiving their bills online by 2002, COOLTVNetwork.com will be poised @ entering Internet e-Commerce through the varying facets of entertainment. Every business decision will oscillate around engendering change, thinking "eCOOL!" and continually evolving.

#### Audio

COOLTVNetwork.com will enter the audio market through it's sub affiliate COOLMusicVideos.com. The site will showcase a collage of local and national talent in every genre of music. From CLICKVideoShopping, to music video archives, to live streamed performances, and relative entertainment news, COOLMusicVideos.com will be @ the pulse of the digital revolution. With alternative Internet music stations, like 3WK, boasting 500,000 listeners a month, with more tuning in daily and on-line music sales increasing to \$1.6 billion by 2002 (7.5% of the overall music market), COOLTVNetwork will position itself as the 'Coolest' alternative to the 'Brick and Mortar' establishments of the old. The company will merge old ways of business with cutting edge technology, becoming one of the Internet's 1st 'Clicks & Mortar' establishment. Surfers will have the opportunity to purchase Cd's, Urban and Contemporary clothing, cosmetics, and footwear while being entertained by secured streamed music and music videos from local and national talent. Just as MP3.com's website saw 9 million downloads of more than 56,000 songs—an astounding

number, given that the vast majority are from unsigned acts, so shall COOLMusicVideos.com position itself as the liaison between local and national talent and music lovers worldwide. Our team pledges to nullify corporate barriers of old business ways, and provide a bridge for genuine talent to effectively enter the market place.

#### Video

Video is undoubtedly the last phase in the evolution of multimedia entertainment via the Internet. Although the limiting factor is the available bandwidth, codecs are astutely deciphering the bandwidth puzzle. "As cable modems and DSL connections become common place, fiber crosses the last mile, and codecs get more advanced, downloading music videos, TV Shows, and even feature films will be apart of our everyday Net experience. We'll use the word 'download' as readily as we say 'catch' a movie or 'pop' in a Cd. MP3 is merely the opening act." —Wired Aug. 1999. COOLTVNetwork.com realizes that the bandwidth bottleneck will be opened, and there will be a convergence of television and computer. "I don't think a lot of people on the consumer level know how much change is about to hit them, especially when it comes to TV viewing." —David Ostmo, director of operations for KABB-TV (Warner Bros. Affiliate.) By 2006, television as we know it will change forever. That year is the deadline set by the U.S. Federal Communications Commission (FCC) for all television stations nationwide to switch over to a new digital broadcasting technology. COOLTVNetwork.com is strategically entering the audio/video and e-tailing market, focusing on music, sports, cartoons, and commercials to build a stable of brand capital and a loyal consumer following. COOLTVNetwork.com will actively build a consumer base within the bandwidth limitations, to effectively position itself for the evolution of Internet technology, and the eminent movie on demand market. COOLTVNetwork.com at every stage will perpetuate the quintessence of 'eCOOL!' combining interactivity, technology, e-tailing, and entertainment to provide the Net's most reliable audio/video with retail experience.

COOLTVNetwork.com will use the convergence of audio, video, and retailing to engage consumers psychologically on a more profound level than most websites. The company will create, for the consumer, an 'eCOOL!' Internet City, which will be a virtual entertainment & retailing toy-box filled with an exhaustive repertoire of audio and interactive video. With "Post It Corners," "Forum Lounges," "CLICKVideoShopping," And "Video Time Capsules" of favorite artists and athletes, COOLTVNetwork will embody the essence of 'eCOOL!'

#### Corporate Clients

COOLTVNetwork.com will generate revenue from three lucrative streams of users: corporate clients, consumers, and artists. Corporate clients will benefit from a wealth of critical consumer information like consumer analysis databases, target market evaluation, demographics, consumer feedback, and positive corporate imaging. The COOLTVNetwork will offer an interactive marketing/advertising tool through ClickVideo technology, that gives corporations a standardized and effective method for tracking "click-through" rates (an effective alternative to banner advertisements).

#### Users/Artists

COOLTVNetwork.com will serve its users by offering a worldwide site that will inform and entertain consumers in a real-time interactive environment, twenty-four hours a day, seven days a week. It will provide customers with a primary, centralized location to view all facets of entertainment. COOLTVNetwork.com will present all relevant content in a fully personalized and further customizable manner. Ultimately, a personalized entertainment environment and numerous customizable products will evolve to increase the value of the entertainment purchase. The COOLTVNetwork will be an alliance or virtual symbiotic network between management, users/consumers, and corporate clients. As a team, we will strive to perpetuate the aura of community and effective customer service, incorporating permission-based value added services as email notices & updates, 'Digital Lockers,' 'tangibles-magazines/newsletters,' and people based customer service lines.

"While many companies are just starting to understand the power and potential of the Internet for marketing and advertising, Trans Continental is entering 'their' fourth year of online promotions of its artists." Pearlman (CEO) says "Our websites have provided us with a powerful way to broaden awareness for all of our artists on a cost-effective basis." —Orlando Business Journal. Trans Continental does media, public relations and promotions for recording artists via the Internet. COOLTVNetwork.com will also assist local, national, and international artists in gaining exposure in the recording industry and amateur movie production market. The COOLTVNetwork will be the liaison between amateur talent and the global market place, finding aspiring talent in the music and video production arenas through filtered "Post It Corners," and Video & Audio contests. The company will provide amateur artists, like those who

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created the Blair Witch Project, with marketing (streamed headline video spots, & artist of the week sponsorship . . .), track sales, and merchandising. Users will be able to sample the creative melting-pot of local, national, and international talent through 'Video Biographies,' 'Video Time Capsules of favorite artist, streamed artist interviews, sound samples, and the net-purchase of new releases. With the digital revolution on the rise, COOLTVNetwork.com will give users the opportunity to carve out their own customized and personal digital playground. Through 'Digital Lockers,' 'CLICKVideoShopping,' and 'Thinking eCOOL!', users will have the opportunity to "Get Digi!" @ COOLTVNetwork.com, The Internet's Audio/Video Solution; "Just a Click Away."

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From: Shannon Audette  
To: Christine McLeod  
Date: 12/15/99 12:12PM  
Caller: Frounze Wakefield  
Company: CodTV Network.com  
Phone: 376-1327

- ☒ Telephoned
- ☐ Will call again
- ☐ Wants to see you
- ☐ Urgent

- ☒ Please call
- ☐ Returned your call
- ☐ Came to see you

He has not lost focus and would like to move software patent forward.

- PIC 12/17 - Wgt msg  
- Miami Lakes - JG

\* Slide Video ship \*

\* Steven - Appo. - need releca/  
waiver

Appn: 09/877,729 (Wakefield) GAU 2/17/01 41 OF 50

From: Amy Ashley  
 To: Christine McLeod; Joanna Schuyler  
 Date: 11/15/99 11:24AM  
 Caller: Franz Wakefield  
 Company: Cool TV Network.com  
 Phone: 376-1327

☐ Telephoned  
☐ Will call again  
☐ Wants to see you  
☐ Urgent

☒ Please call  
☐ Returned your call  
☐ Came to see you



**COOL**  
 MusicVideos.com  
 Internet Audio-Video Entertainment

- Working on implement a pattern for a piece of software
- 95% completed
- will compile research in regards to process.
- go economical route.
- 3M-10M <sup>unfile</sup> ~~not~~ to pursue
- 

P/C 11/19 - 66 + msg.

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 42 OF 50

SALIWANCHIK, LLOYD & SALIWANCHIK

A Professional Association

2421 N.W. 41st Street

Suite A-1

Gainesville, Florida 32606-6669

Telephone 352-375-8100

Facsimile 352-372-5800

Roman Saliwanchik

(1926 - 1999)

ORLANDO OFFICE

1000 Legion Place, Suite 1750  
Orlando, FL 32801  
Telephone 407-426-7500  
Facsimile 407-839-8589

October 13, 1999

Mr. Franz Wakefield  
3324 W. University Ave, #121  
Gainesville, FL 32607

Via Facsimile  
338-7562

Re: Patent Inquiry

Dear Mr. Wakefield:

I enjoyed speaking with you regarding your invention. This letter explains some of the requirements and procedures related to the patenting process. Enclosed (with the confirmation copy of this letter) for your review is our firm résumé describing the qualifications of the attorneys at our firm as well as a copy of the U.S. Patent Office publication regarding patents.

**A. Patentability of an Invention**

The first step in the patenting process is to determine whether the invention (*i.e.*, an article, machine, composition, or process) meets the requirements to be patentable. Under United States Patent law, in order for an invention to be patentable, the invention must be new, useful and non-obvious. By new, we mean that the identical, or substantially identical claimed invention is not disclosed in the prior art. The prior art is anything that is relevant to the issue of whether the invention is patentable, including, without limitation, patents, publications, advertising, promotional materials, and information as to whether the invention is known or has been used. As to useful, we mean that each claimed invention must have utility. With respect to non-obvious, we mean that even though a substantially identical claimed invention is not disclosed in the prior art, the claimed invention sought to be patented cannot be an obvious variation to one skilled in the particular field of invention or art to which the claimed invention pertains. Before a determination is made as to whether your invention is patentable, the prior art must be analyzed.

In addition to the statutory requirements for obtaining a patent discussed above, please note that you have one year from the date on which the invention is described in a printed publication or in public use or on sale in this country within which to file a patent application in the United States. With respect to patents in other countries, many foreign countries require that a patent application be on file before any public disclosure or sale of the invention. If you wish to preserve your rights to file an application in foreign countries, you should make sure that your application is on file before any public use, disclosure or sale of the invention.

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## B. Patent Searching

You may wish to consider having a patentability search conducted for at least two reasons: (1) if the information revealed in the search suggests that your invention is unpatentable, then you may wish to reconsider filing an application in view of the expense associated with the preparation and filing of a patent application which may ultimately be denied; and (2) if the information revealed in the search does not destroy patentability, the search results will assist the patent attorney in determining the scope of your invention so that the patent application may be drafted in accordance therewith.

A patentability search is usually conducted by a professional searcher according to our instructions. We estimate the cost of performing a patentability search for Internet/computer related inventions by a professional searcher would be in the neighborhood of \$700-\$1000 including our fee for commissioning the search. Our fee for analyzing the search results and providing you with an opinion of patentability will vary based on the technology and the number of references located by the searcher. Generally, a written opinion of patentability ranges between \$800-\$1,500 or more. We can better estimate this cost after a detailed review of your technology.

## C. Patent Application Preparation and Prosecution

The fees for preparing and filing a patent application typically range from about \$3,500 to \$7,000 or more (including the government filing fees) depending on the complexity of the technology. Before we start work on an application, our office will provide you with a firm estimate which will not be exceeded, absent extraordinary circumstances or additional disclosures from the inventor not previously discussed.

An alternative to a regular utility application is a provisional application, which is similar to a regular utility application used to establish an early filing date. The government filing fee for a provisional application is \$75 to \$150 and our professional fees vary on the extent of the disclosure. In order to assure that the provisional contains the necessary disclosure, we often prepare provisionals exactly the same as regular utility applications, except we do not include the claim language. A provisional application is not examined and must be refiled as a regular utility application within one (1) year of filing. Please call us for more information regarding the effect of provisional filing.

Approximately six to twelve months from the filing date of a regular utility application, we can expect to receive an Office Action from the Patent Office setting forth certain rejections or objections of the application. If you instruct us to respond to the Office Action, the charges for our services in connection with the preparation of a response can range from about \$500 to \$2,000 or more depending upon the complexity of the issues raised in the Office Action. Failure to respond to an Action will result in abandonment of the application. If the application is allowed by the Patent

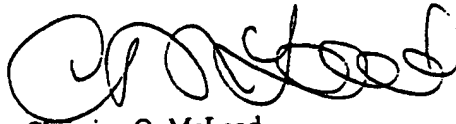
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October 13, 1999

Office, an issue and processing fee will be payable shortly thereafter. Maintenance fees will be required periodically to maintain the patent.

Please let us know if we can be of further assistance. If you wish to schedule an appointment, our office charges an initial consultation fee of \$200.

Sincerely,



Christine Q. McLeod  
Registered Patent Attorney

CQM/jss  
Enclosure (as stated above)

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# Technical Disclosures for Computer-Related Inventions: A Guide for Inventors

## I. Introduction

As an inventor, your participation in the patent application process is very important. In fact, in order to make the patenting process work smoothly and efficiently, the inventor should prepare a detailed technical disclosure of the invention to provide the patent attorney with the necessary information to prepare and file a patent application. However, there are strict requirements with respect to the technical disclosure necessary for patent applications of which most inventors are not aware. This document outlines these requirements for your technical disclosure.

## II. Statutory Requirements

In order to assist your patent attorney in preparing the technical disclosure for your application, you must ensure that the disclosure you provide includes a *complete and full description of the invention* in sufficient detail to enable a person skilled in the art to practice the invention without undue experimentation. According to Section 112 of the patent statutes, such a description must contain:

"... a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention."

As set forth in the statute referenced above, the description for the application must be sufficient in detail to enable reproduction of the invention by one skilled in the art without undue experimentation and it must provide the best mode of practicing the invention, including any drawings that may be required. Basically, your goal is to disclose clearly everything you can think of about your invention. In case of doubt as to whether or not to include an item of information, put it in. If you have several embodiments of your invention, make sure you include the "best" one. You ordinarily do not have to include dimensions, materials, brand names, or values of components, since the skilled artisan is expected to have a working knowledge of these items. However, if any of these are critical to the performance of your invention or are at all unusual, they must be included. (If in doubt, include specific information).

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### III. Technical Description

The actual description is preferably organized by first describing the static physical structure of the invention and then describing in extensive detail the operation or function of the invention, and then, in certain cases, specific examples and/or results of operation of the invention. You should try to identify and include in the description alternate embodiments to assist your patent attorney in drafting claims of sufficient scope. You should use sketches and drawings where necessary to understand the invention (e.g., circuit diagrams, block diagrams, etc.) and refer to such in your description. Each of the parts in the figures should be numbered and a separate list of these reference numerals with the names of their respective parts should be included in a separate section for ease of reference. You should cover every part shown in the figures and be sure to use consistent terminology, but when you refer to a part for the first time, try to include several different equivalent names or alternatives to keep your description broad.

### IV. Computer/Software-Related Inventions

If your invention also includes computer software or code which may be patentable, in addition to describing the physical structure, you must also describe the software according to certain specific guidelines for computer-related inventions. To satisfy the disclosure requirement, the disclosure must enable a skilled artisan to configure the computer to possess the requisite functionality, and, where applicable, interrelate the computer with other elements to yield the claimed invention, without the exercise of undue experimentation. There are a number of ways to meet such requirements, but the most common are: (1) actual software code listings (object or source), and/or (2) flowcharts. However, no matter which of the above-listed ways you choose, you must also include an associated explanation in the written description.

#### A. Software Code Listings

If the program is already written, the easiest way to provide the necessary disclosure is to supply either the object code or source code listing as an appendix to the application. Copyright protection for such code listings may be retained, but trade secret protection is generally lost if you provide a source code listing. The object code listing, on the other hand, may adequately protect trade secrets in certain source code and may be preferable to frustrate potential competition (since the code is only readable by a machine and, therefore, cannot be modified by writing new code or changing instructions). The difficulty with object code listings, and often with source code listings which do not include programmer's comments, is that such listings do not provide a very good understanding of what the invention actually does nor do they provide any guidance to the patent attorney for drafting the claims. The attorney must rely on the associated written description provided by the programmer, which is often not structured or organized.

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To make such code listings enabling, you will need to explain in the description how to implement the listing and any special instructions which may be necessary to implement the invention without undue experimentation (if not readily apparent). The explanation should detail how to configure the computer to perform the required function and interrelate with any other elements to yield the claimed invention. For instance, you should state what programming language the listing is in (e.g., C++), how to use it to control the computer or microprocessor, what type of computer or microprocessor to use it with (e.g., Pentium II), and what hardware should be connected to the computer, both on the input and output sides as necessary.

### B. Flowcharts

If you choose not to include source code or object code listings, or wish to supplement such listings, you should provide a detailed flowchart. In fact, most patent attorneys and patent examiners prefer flowcharts. The advantage of flowcharts is that they often provide the backbone for writing the claims and can be readily referred to by both the patent attorney during drafting and by the examiner during examination.

The flowchart must be complete and detailed enough to enable any reasonably skilled programmer to write a program, using only routine skills. The flowchart will be adequate even if it would take a programmer several months to write the program, so long as only routine skill and not extraordinary effort will be involved. Unfortunately some nonprocedural programs simply do not fit the flowchart mold (e.g., object oriented or event-driven programs). Another disadvantage in lengthy programs is that the flowcharts may overflow onto separate sheets, making them difficult to follow. Other notations, similar to flowcharts, may be utilized when the program cannot be represented by flowcharts, such as program network charts, system resources charts, entity-relationship diagrams, object diagrams, object-oriented notation, etc. If an alternate notation better suits your program, you must make sure such alternate notations are not obscure, otherwise, an explanation of the notation will also be required.

As previously stated, no matter which way you choose to disclose the software, an associated explanation in the written description is required. When explaining flowcharts, it is best to number each process symbol and then describe the function it performs.

### V. Conclusion

Keep in mind that including details and alternatives can prove vital later if you have to rely on these in order to support and distinguish your invention over a close prior art reference cited by the examiner. You should be especially sure to expand your description in areas where you feel that your invention is novel over the prior art.

Once your technical description is prepared, keep in mind that new discoveries or methods related to the invention should be continuously disclosed to the patent attorney as soon as possible so that this information can be included in the application, if necessary, to provide the broadest scope possible.



From: Amy Nguyen  
To: Dave Saliwanchik; McLeod, Christine  
Date: 10/13/99 10:57AM  
Caller: Mr. Franz Wakefield  
Company: Cool TV Network.com  
Phone: 376-1327

3324 W. Univ Ave  
#121  
Gulf 32607

490F  
GAU 2174

☒ Telephoned  
☐ Will call again  
☐ Wants to see you  
☐ Urgent

☒ Please call  
☐ Returned your call  
☐ Came to see you

- 1) He was referred to SLS by Bruce Brashear.
- 2) He is very interested in patenting a software currently being created.
- 3) He would like to know approximate legal costs.
- 4) He would like to speak with DRS; if not possible, he would like to speak with CQM.

Fax: 312-~~235~~

312-3435  
#338-7562

AC 10/13/99

- Partially complete - not yet sold or public  
or

- not yet sold

- undergrad - Entertainment Co.  
@ UF

Mr. Steven  
Benedict  
Calif.

- Archive of video - to access by user
- hot spots to video - Compressed.
- objects point video + open other sites.
- \$700-1000 - Internet searches

Competitor - hot spots to videos?

Utility - 3K-7 to 10K >

\* Pro - \$800-\$2000

AppN: 09/877,729 (WAKEFIELD)

SALIWANCHIK, LLOYD & SALIWANCHIK  
A Professional Association

2421 N.W. 41st Street

Suite A-1

Gainesville, Florida 32606-6669

Telephone 352-375-8100

Facsimile 352-372-5800

Roman Saliwanchik  
(1926 - 1999)

ORLANDO OFFICE

1000 Legion Place, Suite 1750  
Orlando, FL 32801  
Telephone 407-426-7500  
Facsimile 407-839-8589

November 5, 1999

Mr. Franz Wakefield  
3324 W. University Ave, #121  
Gainesville, FL 32607

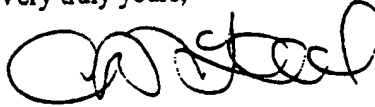
Re: Patent Inquiry

Dear Mr. Wakefield:

We write to follow up with you on our letter of October 13, 1999. Please let us know if you have any further questions or require any additional information with respect to your patent matters.

We look forward to hearing from you.

Very truly yours,



Christine Q. McLeod

CQM/csa

AppN: 09/877,729 (WAKEFIELD) GAU 2174 50 OF 50

**FACSIMILE COVER SHEET**

Date: 4.5.00  
To: Bowen & Lhota P.A.  
" " "  
Company: \_\_\_\_\_  
Fax Number: 954. 785. 7749

From: FRANZ A. Wakefield

Phone Number: ~~305. 512. 6489~~ 305. 512. 6489

Fax Number: ~~305. 512. 6480~~ 305. 512. 6480

Pages Including Cover Sheet: 12

**MESSAGE:**

Please note that there are REVISIONS  
ON each page. If you could make the  
CORRECTIONS, + re-fax the ENTIRE document  
for MY approval, I would appreciate it.

**CONFIDENTIALITY NOTICE**

This communication may contain information that is privileged and confidential. It is intended solely for the use of the individual or entity to whom it is addressed and others authorized to receive it. If you are not the intended recipient, you are hereby officially notified that any dissemination of this information is strictly prohibited.

If you receive this communication in error (or if problems arise with this facsimile), please notify us immediately by telephone at the above referenced phone numbers to arrange for the return of this fax document to us.

**APP17 & REC1**

Appn: 09/8777, 729 (WAKEFIELD) GAU 2174 1 OF

**BOWEN &  
LHOTA, P.A.**

1000 WEST McNAB ROAD  
POMPANO BEACH, FL 33069  
WWW.BLF-LAW.COM

PATENTS, TRADEMARKS & COPYRIGHTS  
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David P. Lhota, Esq.

May 30, 2000

**CONFIDENTIAL**

VIA FACSIMILE

A.  
Franz Wakefield  
~~2777 SW Archer Road~~  
~~Apt. 55218~~  
~~Gainesville, FL 32608~~

} 17731 N.W. 14<sup>th</sup> CT  
MIAMI, FLORIDA 33169

Re: Provisional Patent Application -  
**METHOD AND SYSTEM FOR CREATING, USING AND ADAPTING WEBSITE  
HOT SPOTS**

Dear Mr. Wakefield:

Please find enclosed the initial draft of your provisional patent application noted above, including the specification and drawings. Please review the enclosed and provide me with any additions, deletions and/or corrections directly thereon. Once the application is filed we can not add new matter.

Please contact me should you have any questions regarding the disclosure. Thank you for your patience and cooperation on this matter.

Best regards,

BOWEN & LHOTA, P.A.



David P. Lhota  
DPL:pfl  
Encl.

AppN: 09/877,729 (wakefield) GAU 2174 2 OF 49

"To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive rights to their respective writings and discoveries."

-United States Constitution, Article 1, Section 8

**BOWEN &  
LHOTA P.A.**

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954-785-7749

## FACSIMILE

DATE: June 2, 2000  
TO: <sup>A.</sup> Franz Wakefield } I use my middle Initial  
ATTN:  
FAX: 305-512-6480  
FROM: David P. Lhota  
RE: Provisional Patent Application

### NOTE:

PAGES TRANSMITTED (including cover sheet): 13

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—United States Constitution, Article I, Section 8

Appn: 09/977,729 (Wakefield) GAU 2174 3 OF 49

**METHOD AND SYSTEM FOR CREATING, USING  
AND ADAPTING WEBSITE HOT SPOTS**

**CROSS REFERENCE TO RELATED APPLICATIONS**

N/A

**STATEMENT REGARDING FEDERALLY SPONSORED  
RESEARCH OR DEVELOPMENT**

N/A

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**BACKGROUND OF THE INVENTION**

**1. Field of the Invention**

This invention relates generally to website hot spots, and more particularly, to a program or software based tool for creating, using, modifying and/or adapting hot spots in web applications that run over the Internet.

**2. Description of the Background Art**

Interactive digital media and the use of hyper-linking tools to visit a designated location or perform a pre-defined function, such as hot spots, are generally known in the art. For instance, hyper-linking tools have been developed for making text and graphics available for interactive use, such as linking to pages within a website or to other websites, making purchases or initiating other actions. A link is typically made using text, icons, images or other objects appearing in a display to access another text file, program or media function. ~~when a user clicks a mouse over a corresponding hot spot. This causes an interactive media program to pull up another file or perform a function corresponding to the object(s) stored in the hot spot.~~ Based on current technology, hot

① = AND

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Fig. 2 is an illustrative view of a representative screen display in accordance with the instant invention.

### DETAILED DESCRIPTION OF THE INVENTION

With reference to the drawings, Figs. 1A-C to 2 disclose the preferred  
5 embodiment of the instant which is generally referenced by numeric character 10. The  
instant invention 10 comprises an interactive software based system and device having  
processor readable code stored on a tangible medium that can add, use, change, adapt and  
process hot spots, such as hyperlinks, in video files and other types of files as well. The  
instant invention 10 adds hot spots to video and provides a means for using and  
10 modifying the function of the hot spots. Thus, the hot spots may be programmed with  
multiple objects <sup>to ①</sup> that may be activated or deactivated through a menu bar or control  
buttons 93 that are provided in accordance with the invention. The software of the  
invention, hot spots and corresponding objects are platform independent and may be  
defined in one or more databases. The hot spots may be programmed with objects ~~to~~ to be able to  
15 performing various functions while a user is residing in a video or other website location. ②  
such as making a bid in a bidding or auction system 91 (as shown in Fig. 2), linking to  
another web page or URL address, linking to other videos, placing a digital telephone call  
(as shown in Fig. 2), or transmitting or accessing other types of communications and  
information. The invention 10 uses the video stream in a way that the objects within the  
20 video are accessible and can be defined as working or idle hot spots.

The invention incorporates HTML language or comparable languages for loading  
documents through a web browser. The HTML document loaded by the web browser  
contains tags that specify, among other things:

① = have multiple functions and

② = systems (email ... etc.)

③ = downloadable custom plug-in(s) that implements  
an algorithm, and/or

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SAU 2174



1. The path to a Java applet containing the object code necessary to execute the claims specified in the patent;

2. The path to the video file that the applet will play; and/or

3. The path to a data file that contains variables used to create objects that contain the information needed to represent areas on the screen, called "hot spots", in software.

The data file contains tags that can specify various functions, such as:

1. Whether the movie or video should only play once or continue to loop;

2. The URL of the web page to open when <sup>an</sup> <sup>①</sup> the object is clicked;

3. A signature that uniquely identifies an item so that it can be added to a shopping cart when <sup>an</sup> <sup>②</sup> the object is clicked;

4. The URL of a movie to play when <sup>an</sup> <sup>③</sup> the object is clicked;

5. A signature that uniquely identifies an auctioned item such that a bid for it can be entered into a multicast bidding system when clicked; and/or

6. A signature that uniquely identifies an item on the screen that once initiated a communication system/digital calling system is activated.

The instant invention requires <sup>④</sup> at least one tag in the data file, and at least one of the above noted steps, (2)-(6), should be specified for defining the "hot spot's" functionality (defined through the mode control <sup>bar/buttons</sup> ~~bar~~ 93). In accordance with the

teachings of the instant invention, a "hot spot" can be programmed with more than one definition or functionality, and the mode control bar can be expanded to an indefinite number of mode control buttons.

The logic and operation of the invention is shown in Fig. 1. With reference to

Fig. 1, a user powers up the computer, launches a web browser and loads an HTML

- ① = with a hotspot definition in the video  
② = in the video  
③ = in the video  
④ = but is not limited to

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document containing <sup>①</sup> tags that pass parameters to a Java applet (12-18). The applet reads the data file, creates and initializes custom defined objects in accordance with the data file and registers areas on the screen (i.e. hot spots) using a geometric region obtained from the custom defined objects (20-24). The applet loads the movie and draws a menu bar 93 at the top, bottom or other location in or near the video area 90 where the movie is displayed and plays the movie (26-28). The applet <sup>②</sup> highlights all hot spots for a particular time interval <sup>③</sup> occurs approximately ten (10) seconds (30), which ~~can occur~~ while the movie is playing. The software of the invention 10 continually monitors whether the screen cursor is over a hot spot (32). If the cursor is detected as not being over a hot spot, then the invention 10 determines whether a control bar action has been activated (56). If the cursor is detected as being over a hot spot, then it checks whether the current time position of the movie playback is within the range specified by the custom defined object (34). If the answer is no, then the program 10 determines whether a control bar action has been activated (56). If the time position is within the specified range, then the applet <sup>④</sup> highlights the area specified by the hot spot object (36). Next, the program of the invention determines whether the user has "clicked" the hot spot. If no, then the program 10 goes on to determine whether a control bar action has been activated (56). If the user activates the hot spot (i.e. clicks it), then the program 10 determines the mode of the applet (40-52), as shown in Fig. 1B. If in the shop mode, the applet adds the items specified by the custom defined object to the user's shopping cart (40-42). If the applet is in the entertain mode, then it opens another browser window, playing the movie located at the URL address obtained from the custom defined object in the corresponding hot spot (44-46). If the applet is in the bid mode, then it enters a bid into the bidding system for the item ~~and~~

- ① = downloadable custom plug-in(s) that implements an algorithm and/or
- ② = gives a visual cue (highlights, illumination, or shading)
- ③ = but not necessarily all at the same time.
- ④ = gives a visual cue in

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system specified by the custom defined object (48-50). If the applet is in the link mode, then it opens a browser window using the URL obtained from the custom defined object in the hotspot (52-54). After determining the applet mode or lack thereof, the program 10 determines whether the user clicked <sup>①</sup> the control <sup>②</sup> buttons/bar 93.

5 Regardless of how the user or program 10 gets to the decision block for determining whether the user has clicked in the control bar, the program 10 proceeds with said inquiry and several other inquiries depending on the responses. For instance, if the program determines that the user has not clicked in the control bar (56), then it determines whether the movie has reached the end (74). If no, the program 10 loops back to determine whether the cursor is over a hot spot (32). If the movie is determined to have reached the end, then the program 10 checks the data file to see if the movie should continue looping (76). If yes, then the program 10 loops back and continues playing the movie (28). If no, then the program stops (78). If the program has determined that the user has in fact clicked in the control bar (56), then it checks to see whether the user has  
15 selected the shop mode, entertain option, bid option or link option from the control bar (58-72). After the mode or option has been determined, the program checks to see if the movie has reached the end, as described above (74-76).

The instant invention has been shown and described herein in what is considered to be the most practical and preferred embodiment. It is recognized, however, that  
20 departures may be made therefrom within the scope of the invention and that obvious structural and/or functional modifications will occur to a person skilled in the art.

- ① = or activated  
② = mode

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Applicant or Patentee: Wakefield, Franz

Attorney's Docket No.: 1812.L101

Serial No. or Patent No.: TBD

For: METHOD AND SYSTEM FOR CREATING, USING AND ADAPTING WEBSITE HOT SPOTS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(c) and 1.27(b)) - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under §41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled METHOD AND SYSTEM FOR CREATING, USING AND ADAPTING WEBSITE HOT SPOTS described in

- ☒ the specification filed herewith  
☐ application serial no., filed  
☐ patent no., issued (date)

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention as listed below:

- ☒ no such person, concern, or organization  
☐ persons, concerns, or organizations listed below

NOTE: Separate Verified Statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

FULL NAME:

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

FRANZ WAKEFIELD

FRANZ A. Wakefield.

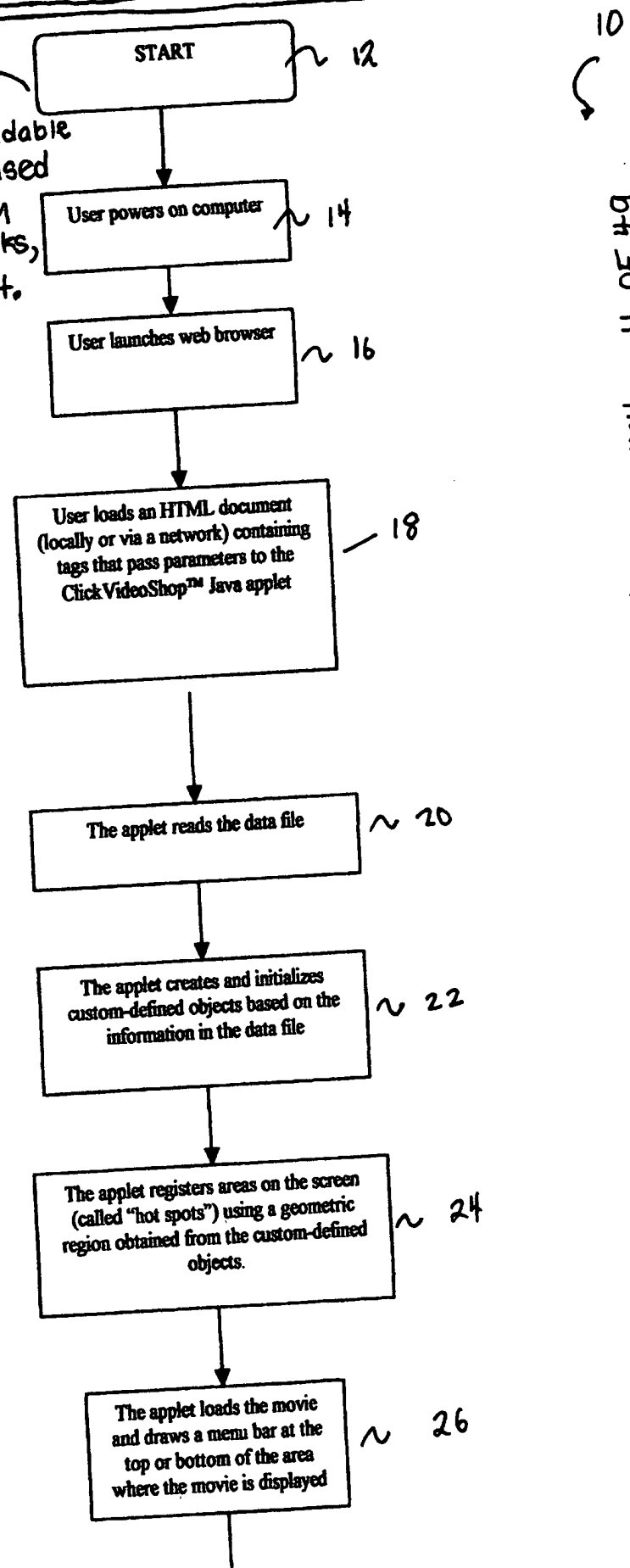
Signature

Date

1.616 forms patent forms small entity claim

Appn: 09/877,729 (WAKEFIELD) GAU 2174 ID OF 49

NOTE: That a downloadable custom plug-in(s) may be used to implement an algorithm to perform the same tasks, instead of a Java Applet.



10  
AppN: 09/877,729 (Wakefield) GAU 2174 11 OF 49

Fig. 1A

# CLICKVideoShop™

THE NEXT GENERATION INTERACTIVE SOFTWARE

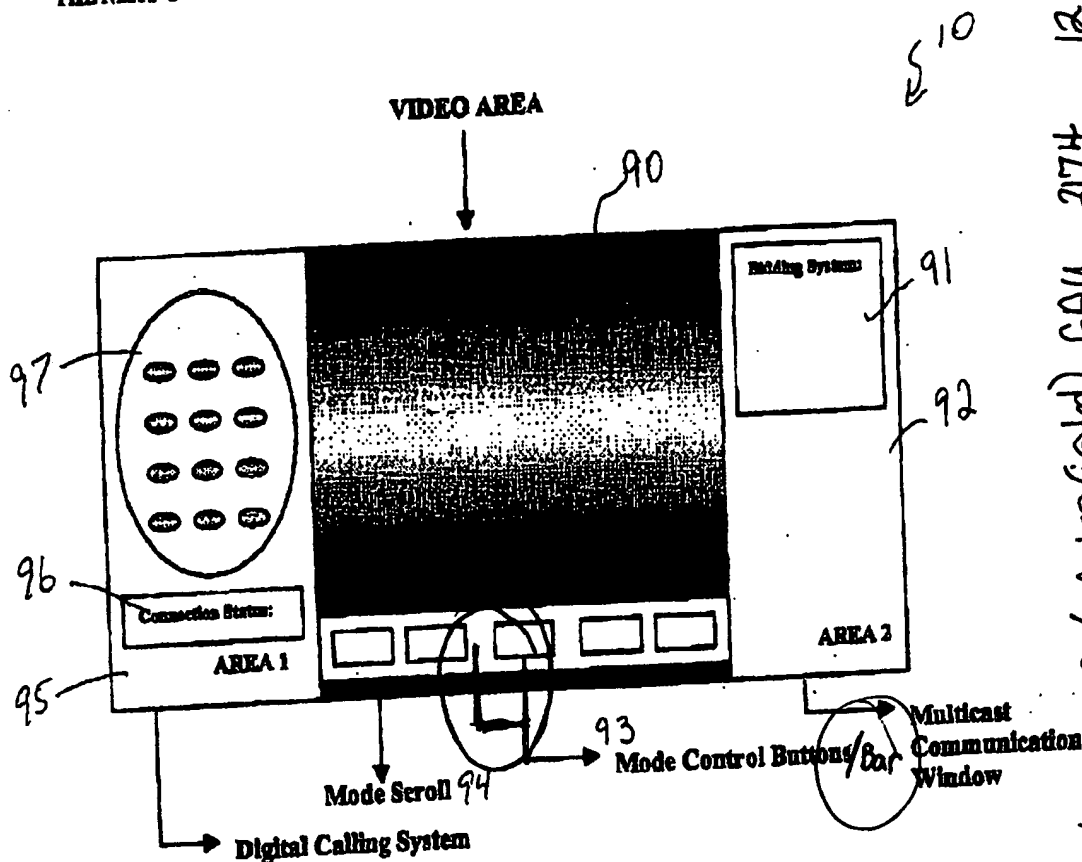


FIG. 2

## NOTE:

- AREA 1 and AREA 2 are multicast windows that are controlled by the mode control bar. The windows only appear when the video is placed in a particular mode (ex: BID, COOLeCall . . . etc.).
- The shape of the Video Area, Multicast windows, and general layout of the entertainment area are subject to design change. It should be understood that the invention is not limited to the disclosed embodiment, but on the contrary is intended to cover various modifications and equivalent arrangements included within the spirit and scope of the appended claims.

Appn: 09/877,729 (Wakefield) GAU 2174 12 OF 49

April 11, 2000

**COOLTVNetwork.com**

17731 N.W. 14<sup>th</sup> CT  
Miami, Florida 33169

## **INVENTION SUMMARY**

With The Internet Generation on the rise, and the explosion of the bandwidth bottleneck in a microwave society, it will be essential for the entertainment industry to add breadth and width to tomorrow's entertainment venues. In this "New Wave" where digital information superhighways are paved directly into consumers homes, offices, and everyday lives, it becomes crucial to map an entertainment network that gives control to the consumer by adding interactivity to the scope of "The Old Way of Doing Things." COOLTVNetwork.com has pushed the envelope in this arena to become the first entertainment network to provide CLICKVideoShopping™ and the Internet's first CLICKVideoBay™.

What we propose, is a new method of doing business across networks (Intranets & Internets) which will be founded on the concept of using the location of digital symbols, and objects as hyperlinks in an audio/video source in collaboration with a mode control bar, and multicast windows to perpetuate business to business, business to consumer, and consumer to consumer markets.

The invention uses an audio/video source as a conduit to provide on demand access to secondary and related information. It is designed so it can be experienced on any computing platform. The invention uses a control bar in conjunction with "hot spots" or regions in the video playback area delineated by outlines, shading, or illumination as visual cues to alert the user that clicking (initiating) within the "hot spot" gives them access to additional information or functionalities. Hyperlinks are not embedded in the audio/video data, like they are in text and picture data. To do so would require re-editing the audio/video data to superimpose the various "hot spots" onto the desired locations. The invention allows the video file to contain as many "hot spot" definitions as deemed necessary. The information to define a "hot spot" which includes its location (x, y coordinates) within the video playback area, the additional information it references, its begin and end activation time, and added functionalities are specified in a data file which is loaded when the audio/video data is loaded, and controlled by a mode control bar. When the video reaches the end the data file also specifies whether or not playback of the video should start again at the beginning, load another video file, or open a functional window.

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The type, delivery, and action of the additional information, and functionalities are user-controlled by a mode control bar displayed as an attachment to the video playback area. Initiating the options (buttons) in the control bar can be accomplished with a computer pointing device like a "mouse," a touchscreen, a remote control, or a light pen . . . etc and determines what action is taken and what mode the video file is placed in. The invention can support an indefinite number of modes.

For example:

1. CLICKVideoShop™ ---where initiating a "hot spot" pauses the primary video source momentarily and adds the item to the user's digital shopping cart.
2. Entertain ---where initiating a "hot spot" pauses the primary video source and opens another related video file in a window attached to the original video area.
3. Link ---where initiating a "hot spot" opens another webpage or address in a window attached to the original video area.
4. Bid ---where initiating a "hot spot" opens and activates a multicast communication window, which is attached to the original video area, and starts a bidding or communication process.
5. COOLeCall ---where initiating a "hot spot" opens and activates a dialpad/calling system which is attached to the original video area.

The invention is designed so that the mode control bar is expandable to handle an unlimited number of functional modes. A "hot spot" is defined to support at least one of these modes, and can support more than one mode at a time if desired. The invention brings interactivity to various entertainment sources showcased on television, in movies, or in multimedia presentations; like commercials, sports, music, cartoons, movies, and educational tools. The invention delivers a unique platform and methodology for communication and interactivity via network systems. It will facilitate digital communication in various markets (Online Auctions/Hubs, teleconferencing, and digital phone calls) through the location of digital symbols/objects used as hyperlinks ("hot spots") in an audio/video source in collaboration with a mode control bar, and multicast windows.

It is to be understood that the invention is not to be limited to the disclosed embodiment, but on the contrary, is intended to cover various modifications and equivalent arrangements included within the spirit and scope of the appended claims.

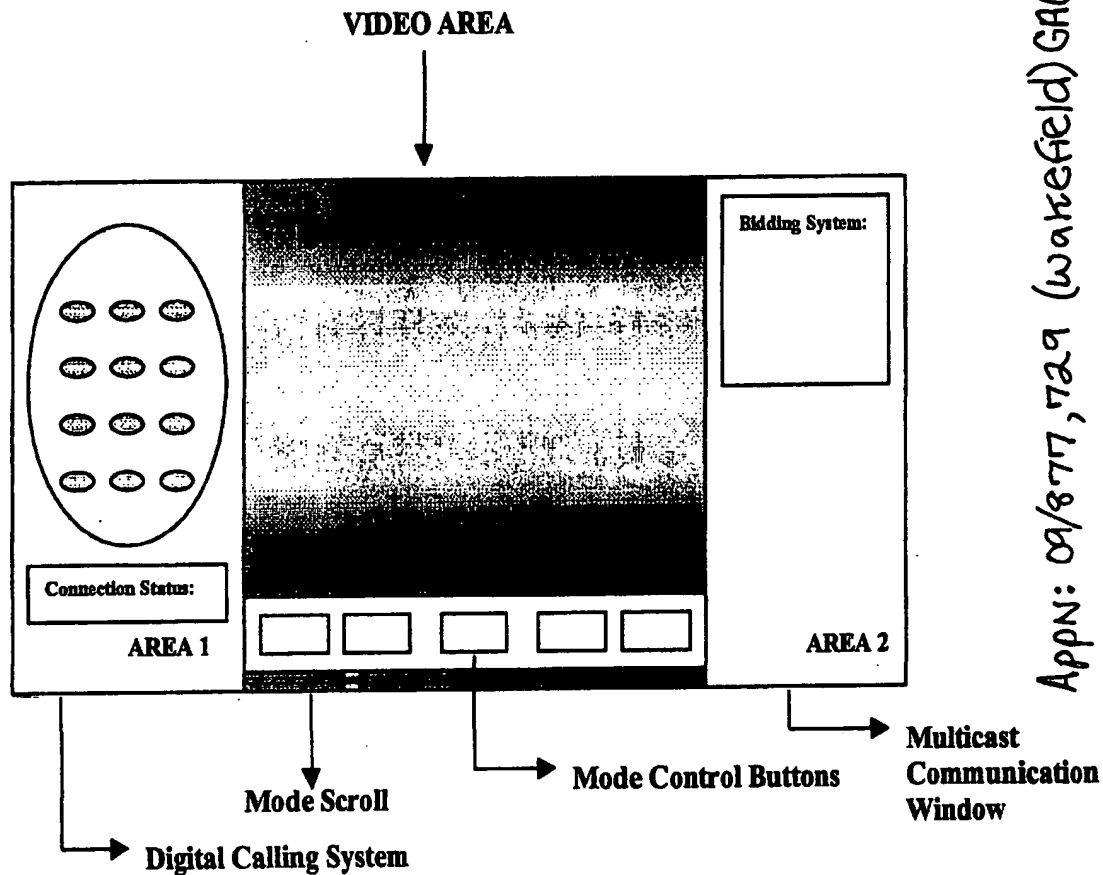
14 OF 49

AppN: 09/877,729 (Wakefield) GAU 2174



# CLICKVideoShop™

THE NEXT GENERATION INTERACTIVE SOFTWARE



## NOTE:

- AREA 1 and AREA 2 are multicast windows that are controlled by the mode control bar. The windows only appear when the video is placed in a particular mode (ex: BID, COOLeCall . . .etc.).
- The shape of the Video Area, Multicast windows, and general layout of the entertainment area are subject to design change. It should be understood that the invention is not limited to the disclosed embodiment, but on the contrary is intended to cover various modifications and equivalent arrangements included within the spirit and scope of the appended claims.

\*\*\*\*\*  
 \*\*\* ACTIVITY REPORT \*\*\*  
 \*\*\*\*\*

ACTY#	MODE	CONNECTION TEL	CONNECTION ID	START TIME	USAGE T.	PAGES	RESULT
*8397	TX	ECM	2370	04/06 14:08	06'12	1	OK
*8398	TX	ECM	2580	04/06 17:02	00'39	1	OK
*8405	TX	ECM	919094655598	04/06 18:30	01'34	1	OK
*8409	TX	ECM	93058242820	04/07 06:59	02'29	4	OK
*8410	TX	ECM	6990	04/07 07:52	01'35	3	OK
*8411	TX		93058854403	04/07 08:17	00'00	0	NG
						0	STOP
*8412	TX	ECM	93058854703	04/07 08:18	01'19	2	OK
*8413	TX	ECM	916038901088	04/07 11:03	06'09	15	OK
*8414	TX		13144693608	04/07 11:17	00'00	0	NG
						0	STOP
*8415	TX		13144693608	04/07 11:24	00'00	0	NG
						0	STOP
*8416	TX	ECM	93052310805	04/07 13:42	00'57	2	OK
*8417	TX	ECM	913144693608	04/07 15:00	03'14	5	OK
*8419	TX		8620	04/07 15:23	00'00	0	NG
						0	STOP
*8421	TX	ECM	8620	04/07 15:25	01'17	2	OK
*8422	TX	ECM	93058854703	04/07 15:27	00'46	1	OK
*8424	TX	ECM	93052858529	04/07 15:34	02'58	4	OK
*8425	TX	ECM	914078889387	04/07 17:33	00'29	1	OK
*8426	TX	ECM	917812711133	04/07 17:58	10'25	11	OK
*8427	TX	ECM	93058716610	04/08 11:50	01'00	2	OK
*8428	TX	ECM	93058716610	04/09 09:07	00'59	2	OK
*8429	TX	ECM	2130	04/09 10:52	01'51	3	OK
*8430	TX	ECM	913142916630	04/10 07:37	11'11	11	OK
*8431	TX		93052310805	04/10 10:18	00'00	0	NG
						0	STOP
*8433	TX	ECM	93052310805	04/10 10:22	00'33	1	OK
*8434	TX	ECM	916106911785	04/10 11:14	00'50	1	NG
						1	STOP
*8435	TX	ECM	916106911785	04/10 11:16	02'22	5	OK
*8437	TX	G3	93058202433	04/10 12:25	04'00	5	OK
*8438	TX	ECM	913144693608	04/10 13:02	03'24	8	OK
*8439	TX	ECM	919084123086	04/10 13:07	03'29	7	OK
*8440	TX	ECM	917818712980	04/10 14:46	01'26	2	OK
*8441	TX	ECM	919544329826	04/10 17:23	01'33	3	OK
*8443	TX	G3	919547302365	04/10 17:44	01'16	2	OK
*8444	TX	G3	901181333126774	04/10 19:38	02'33	2	OK
*8447	TX	ECM	93053258089	04/11 07:34	00'37	1	OK
*8449	TX	ECM	916106911785	04/11 08:14	02'30	5	OK
*8451	TX	ECM	93054470405	04/11 09:10	06'53	8	OK
8452	TX	ECM	93056673365	04/11 10:30	01'02	2	OK
8453	TX	ECM	913142916630	04/11 10:59	02'04	3	OK
8454	TX	ECM	919547857749	04/11 11:11	01'47	3	OK
8455	TX	G3	913142916630	04/11 11:18	03'56	4	OK

ALLIED SPECTAGUA

Appn: 09/877,729 (WAKEFIELD) GAU 2174 16 OF 49

**FACSIMILE COVER SHEET**

Date: 5.11.00

To: David Lhota

Company: Bowen Lhota & Firtell, P.A.

Fax Number: 954. 785. 7749

From: FRANZ A. Wakefield (COOLTVNetwork.com)

Phone Number: (305) 512-6550

Fax Number: (305) 512-6520

Pages Including Cover Sheet: 3

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by Paula  
@ 1:25 P.M.  
5/11/00 verbally.

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Thank you.

H.A.

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## FACSIMILE

DATE: June 1, 2000  
TO: A.  
Franz Wakefield  
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FROM: David P. Lhota  
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Does 93 refer to  
Buttons or Bar,  
because diagram:  
93 = Buttons.

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Appn: 09/877,729 (WAKEFIELD) GAU 21748

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P 1/12

08/22/2000 10:10

JUN-1-2000 01:32P FROM:

**METHOD AND SYSTEM FOR CREATING, USING**

**AND ADAPTING WEBSITE HOT SPOTS & hyperlinks**

**CROSS REFERENCE TO RELATED APPLICATIONS**

N/A

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**BACKGROUND OF THE INVENTION**

**1. Field of the Invention**

This invention relates generally to website hot spots, and more particularly, to a program or software based tool for creating, using, modifying and/or adapting hot spots in web applications that run over the Internet.

**2. Description of the Background Art** → *What Already Exists*

Interactive digital media and the use of hyper-linking tools to visit a designated location or perform a pre-defined function, such as hot spots, are generally known in the art. For instance, hyper-linking tools have been developed for making text and graphics available for interactive use, such as linking to pages within a website, or to other websites, making purchases or initiating other actions. A link is typically made using text, icons, images or other objects appearing in a display to access another text file, program or media function. When a user clicks a mouse over a corresponding hot spot, this causes an interactive media program to pull up another file or perform a function corresponding to the object(s) stored in the hot spot. Based on current technology, hot ~~be directed to a file~~

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GAU 2174 20 01  
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bandwidth,

presented by selecting the additional graphic element associated with the animated element.

have not

the 5

spots and hyper links are limited to preordained functions and are internally static, such that they ~~can not be programmed or modified to perform a wide variety of functions.~~ In addition, hot spots have not been widely adapted or incorporated into video files. As the applications employed and required on the Internet have expanded and vary across the Internet, the ability to control and change the response of hot spots and hyperlinks on a website would be well received, especially in connection with video.

As noted, the use of hyperlinks and hotspots are known in the art, however current applications are static and do not address the problems noted above. For instance, U.S. Patent No. 5,918,012 discloses the hyperlinking of time-based data files and embedding movies into other file types. It does not disclose the use of hot spots, as contemplated by the instant invention, and does not load the data file at startup but rather consults it on every click. U.S. Patent No. 5,708,845 discloses a system for mapping hot spots in media content for interactive digital media program. This patent discloses data files being separate from the video and linking to additional types of data. However, it fails to disclose the ability to change the type of information ~~each~~ hot spot links to, or having a hot spot that links to multiple databases or sites. U.S. Patent No. 5,539,871 discloses a method and system for accessing associated data sets in a multimedia environment in a data processing system, associating data with elements in a multimedia presentation. ~~Using graphical cues to indicate a hyperlink.~~ U.S. Patent No. 5,970,504 discloses a moving image anchoring and hypermedia apparatus which estimates the movement of an anchor based on the movement of the object with which the anchor is associated and time intervals in which the hyperlink is active.

check validity }

The foregoing prior art fails to disclose hyperlink and hot spot technology that is flexible, adaptable for use in videos, platform independent, multi-tasked, and changeable and adaptable in functionality. Hyperlink and hot spot technology having these specifications would be well received. Consequently, there exist a need for programmable hyperlinks and ~~hot spots.~~ <sup>multi-functional</sup>

### BRIEF DESCRIPTION OF THE DRAWINGS

Figs. 1A-1C illustrate the system logic flow diagram of the preferred embodiment of the instant invention.

Fig. 2 is an illustrative view of a representative screen display in accordance with the instant invention.

## DETAILED DESCRIPTION OF THE INVENTION

With reference to the drawings, Figs. 1A-C to 2 disclose the preferred embodiment of the instant which is generally referenced by numeric character 10. The instant invention 10 comprises an interactive software based system and device having processor readable code stored on a tangible medium that can add, use, change, adapt and process hot spots, such as hyperlinks, in video files and other types of files as well. The instant invention 10 adds hot spots to video and provides a means for using and modifying the function of the hot spots. Thus, the hot spots may be programmed with multiple objects <sup>to have multiple functions and</sup> that may be activated or deactivated through a menu bar or control buttons 93 that are provided in accordance with the invention. The software of the invention hot spots and corresponding objects are platform independent and may be defined in one or more databases. The hot spots may be programmed with objects <sup>for</sup> to be able to perform various functions while a user is residing in a video or other website location such as making a bid in a bidding or auction system 91 (as shown in Fig. 2), linking to another web page or URL address, linking to other videos, placing a digital telephone call (as shown in Fig. 2), or transmitting or accessing other types of communications and information. The invention 10 uses the video stream in a way that the objects within the video are accessible and can be defined as working or idle hot spots.

The invention incorporates HTML language or comparable languages for loading documents through a web browser. The HTML document loaded by the web browser contains tags that specify, among other things:

downloadable custom plug-IN <sup>(S)</sup> that implements an algorithm, and/or

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(wakefield) GAK 2174

APPN: 09/877, 729

(e Mail)

1. The path to a Java applet containing the object code necessary to execute the claims specified in the patent;

2. The path to the video file that the applet will play; and/or

3. The path to a data file that contains variables used to create objects that contain the information needed to represent areas on the screen, called "hot spots", in software.

The data file contains tags that can specify various functions, such as:

1. Whether the movie or video should only play once or continue to loop;

2. The URL of the web page to open when the object is clicked;

3. A signature that uniquely identifies an item so that it can be added to a shopping cart when the object is clicked;

4. The URL of a movie to play when the object is clicked;

5. A signature that uniquely identifies an auctioned item such that a bid for it can be entered into a multicast bidding system when clicked; and/or

6. A signature that uniquely identifies an item on the screen that once initiated a communication system/digital calling system is activated.

The instant invention requires at least one tag in the data file, and at least one of the above noted steps, (2)-(6), should be specified for defining the "hot spot's" functionality (defined through the mode control bar 93). In accordance with the teachings of the instant invention, a "hot spot" can be programmed with more than one

definition or functionality, and the mode control bar can be expanded to an indefinite number of mode control buttons.

The logic and operation of the invention is shown in Fig. 1. With reference to Fig. 1, a user powers up the computer, launches a web browser and loads an HTML



PI - OS  
 plugin = object  
 code that implements  
 an algorithm

downloadable custom Java applet  
 plug-in that implements  
 an algorithm and/or  
 OS  
 Prop. Language  
 compiled code source

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document containing tags that pass parameters to a Java applet (12-18). The applet reads the data file, creates and initializes custom defined objects in accordance with the data file and registers areas on the screen (i.e. hot spots) using a geometric region obtained from the custom defined objects (20-24). The applet loads the movie and draws a menu bar 93 at the top, bottom or other location in or near the video area 90 where the movie is displayed and plays the movie (26-28). The applet <sup>gives a visual cue (highlights, illumination, shading)</sup> ~~highlights~~ all hot spots for a particular time interval <sup>but not all @ the same time</sup> approximately ten (10) seconds (30), which ~~can~~ occurs while the movie is playing. The software of the invention 10 continually monitors whether the screen cursor is over a hot spot (32). If the cursor is detected as not being over a hot spot, then the invention 10 determines whether a control bar action has been activated (56). If the cursor is detected as being over a hot spot, then it checks whether the current time position of the movie playback is within the range specified by the custom defined object (34). If the answer is no, then the program 10 determines whether a control bar action has been activated (56). <sup>gives a visual cue ("</sup> If the time position is within the specified range, then the applet ~~highlights~~ the area specified by the hot spot object (36). Next, the program of the invention determines whether the user has "clicked" the hot spot. If no, then the program 10 goes on to determine whether a control bar action has been activated (56). If the user activates the hot spot (i.e. clicks it), then the program 10 determines the mode of the applet (40-52), as shown in Fig. 1B. If in the shop mode, the applet adds the items specified by the custom defined object to the user's shopping cart (40-42). If the applet is in the entertain mode, then it opens another browser window, playing the movie located at the URL address obtained from the custom defined object in the corresponding hot spot (44-46). If the applet is in the bid mode, then it enters a bid into the bidding system for the item ~~and it is bid mode, then the applet opens a browser window using the URL obtained from the custom defined object.~~

}  
 cue ("

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~~system~~ specified by the custom defined object (48-50). If the applet is in the link mode, then it opens a browser window using the URL obtained from the custom defined object ~~in the hotspot~~ (52-54). After determining the applet mode or lack thereof, the program 10 determines whether the user clicked <sup>or selected</sup> ~~in~~ the control bar <sup>mode buttons/bar</sup> 93.

5 Regardless of how the user or program 10 gets to the decision block for determining whether the user has clicked in the control bar, the program 10 proceeds with said inquiry and several other inquiries depending on the responses. For instance, if the program determines that the user has not clicked in the control bar (56), then it determines whether the movie has reached the end (74). If no, the program 10 loops back  
10 to determine whether the cursor is over a hot spot (32). If the movie is determined to have reached the end, then the program 10 checks the data file to see if the movie should continue looping (76). If yes, then the program 10 loops back and continues playing the movie (28). If no, then the program stops (78). If the program has determined that the user has in fact clicked in the control bar (56), then it checks to see whether the user has  
15 selected the shop mode, entertain option, bid option or link option from the control bar (58-72). After the mode or option has been determined, the program checks to see if the movie has reached the end, as described above (74-76).

The instant invention has been shown and described herein in what is considered to be the most practical and preferred embodiment. It is recognized, however, that  
20 departures may be made therefrom within the scope of the invention and that obvious structural and/or functional modifications will occur to a person skilled in the art.

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NOTE: That a <sup>downloadable custom</sup> ~~algorithm~~ <sup>algorithm</sup> to perform the same task may be used instead of a Java Applet, but would follow the same process.

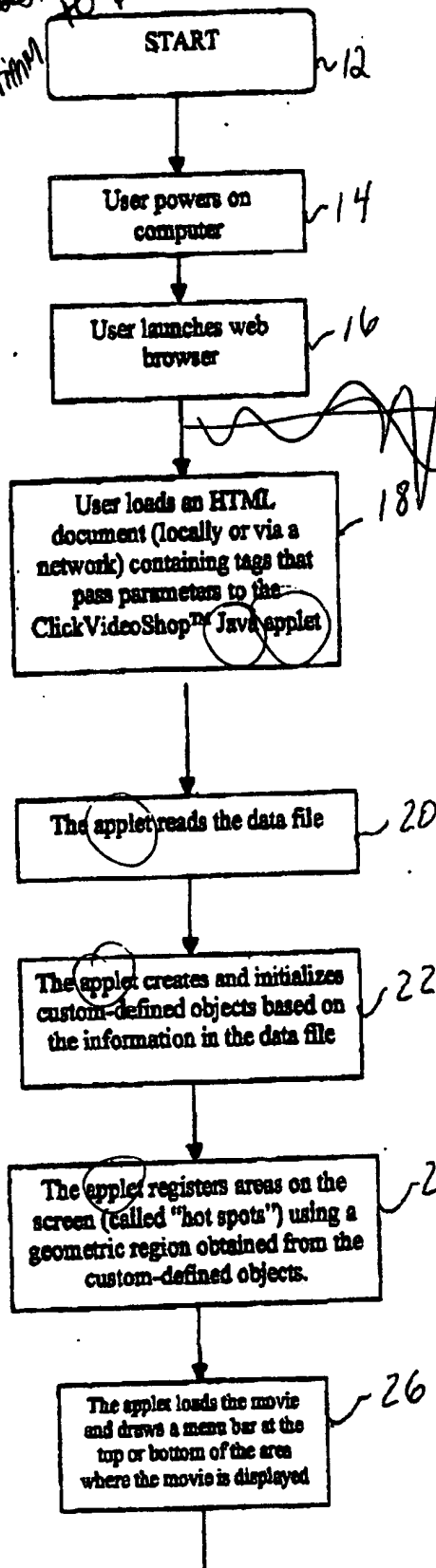
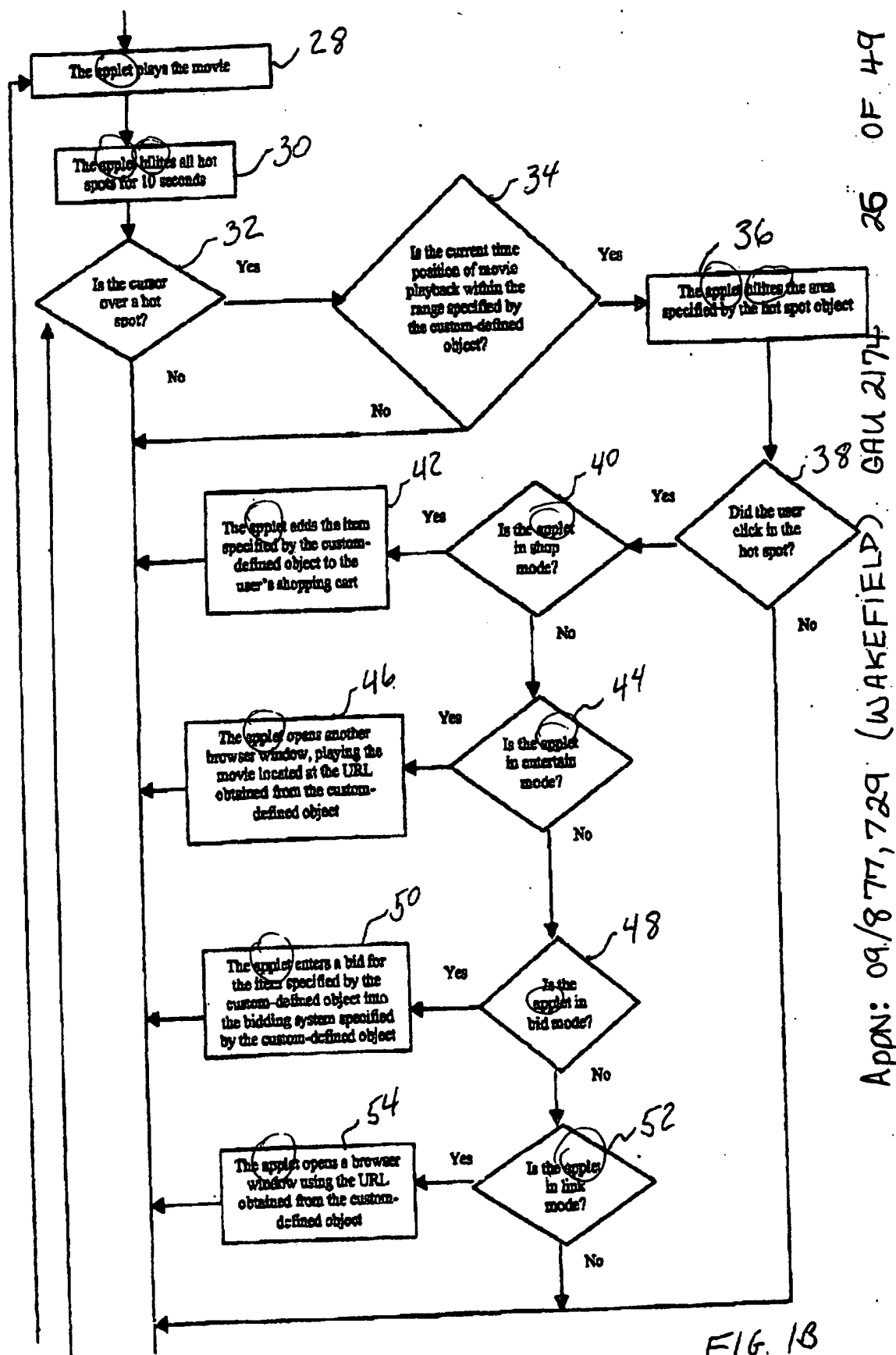


FIG. 1A

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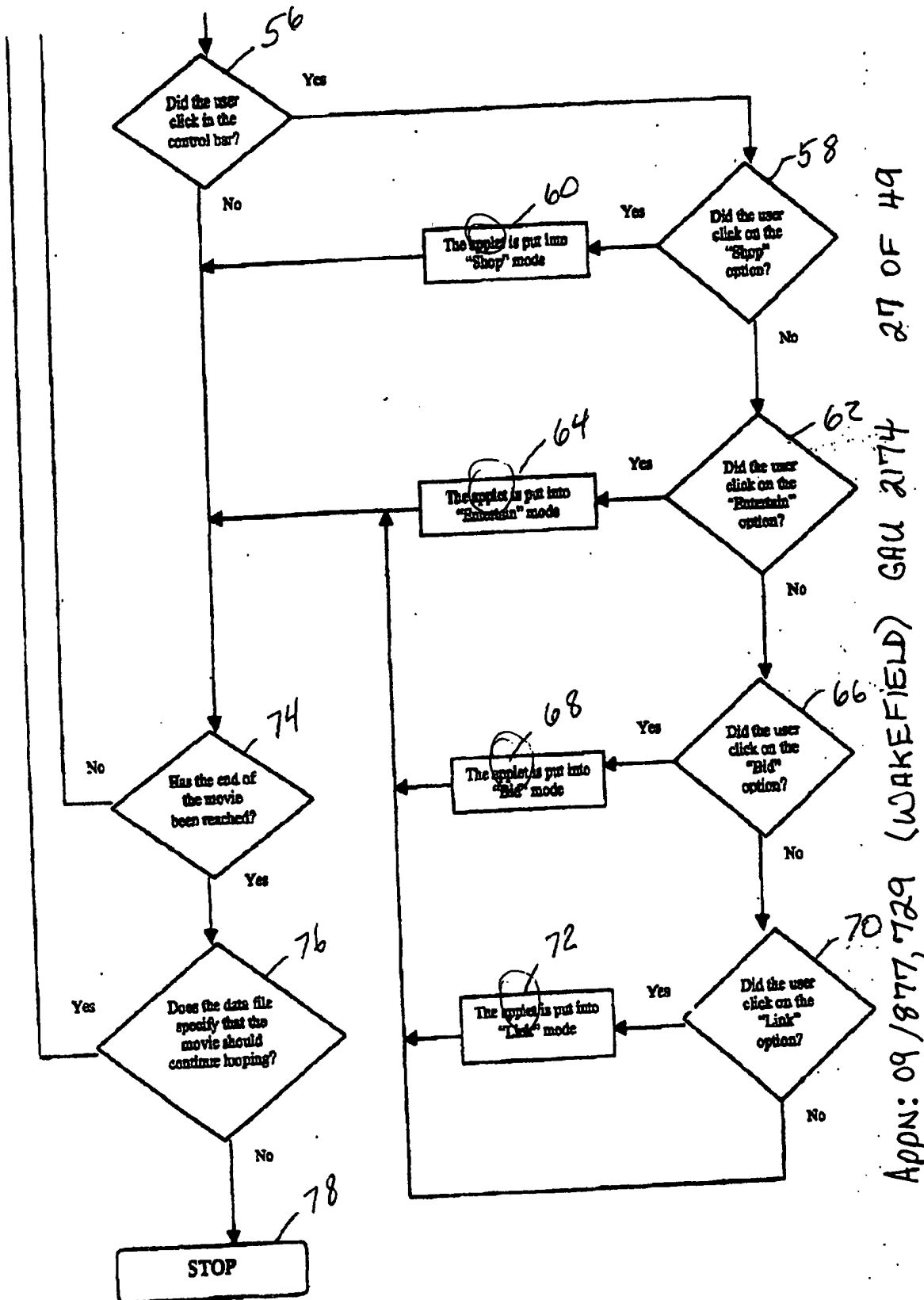


FIG. 1C

**FACSIMILE COVER SHEET**

To: Mr. David P. Lhota Date: 6.7.00  
Company: Bowen & Lhota P.A. Fax Number: 954.785.7749

From: FRANZ A. Wakefield Phone Number: 305.512.6489  
Pages Including Cover Sheet: 15 Fax Number: 305.512.6480

**MESSAGE:**

David,

It looks good. File it away!

Thank You for the good work. I will put the \$475 check in the mail along with the original small entity status form. Please let me know when you have filed it.

Thanks FRANZ.

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APPN: 09/877, 729 (WAKEFIELD) GAU 2174 28 OF

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## FACSIMILE

DATE: June 6, 2000  
TO: Franz A. Wakefield  
ATTN:  
FAX: 305-512-6480  
FROM: David P. Lhota  
RE: Provisional Patent Application  
NOTE:

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—United States Constitution, Article 1, Section 8

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Appn: 09/877,729 (Wakefield) GAU 2174

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David P. Lhota, Esq.

June 6, 2000

**CONFIDENTIAL**

VIA FACSIMILE

Franz Wakefield  
2777 SW Archer Road  
Apt. 55218  
Gainesville, FL 32608

=>

17731 N.W. 14<sup>th</sup> CT  
MIAMI, FL 33169

Re: Provisional Patent Application -  
**METHOD AND SYSTEM FOR CREATING, USING AND ADAPTING WEBSITE  
HOT SPOTS**

Dear Mr. Wakefield:

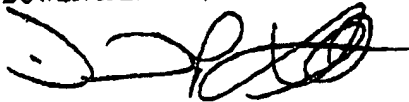
Please find enclosed the revised draft of your provisional patent application noted above, including the specification and drawings. Please review the enclosed and provide me with any final additions, deletions and/or corrections directly thereon.

I have also enclosed the Small Entity Claim form for paying reduced fees. Please execute and return with a check for \$75.00 made payable to the Assistant Commissioner of Patents for the provisional filing fee.

Please contact me should you have any questions regarding the disclosure.

Best regards,

BOWEN & LHOTA, P.A.



David P. Lhota  
DPL:pfl  
Encl.

"To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive rights to their respective writings and discoveries."

-United States Constitution, Article I, Section 8

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GAU 2174  
Appn: 09/877,729 (WAKEFIELD)



**METHOD AND SYSTEM FOR CREATING, USING  
AND ADAPTING WEBSITE HOT SPOTS**

**CROSS REFERENCE TO RELATED APPLICATIONS**

N/A

**STATEMENT REGARDING FEDERALLY SPONSORED  
RESEARCH OR DEVELOPMENT**

N/A

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**BACKGROUND OF THE INVENTION**

**1. Field of the Invention**

This invention relates generally to website hot spots, and more particularly, to a program or software based tool for creating, using, modifying and/or adapting hot spots in web applications that run over the Internet.

**2. Description of the Background Art**

Interactive digital media and the use of hyper-linking tools to visit a designated location or perform a pre-defined function, such as hot spots, are generally known in the art. For instance, hyper-linking tools have been developed for making text and graphics available for interactive use, such as linking to pages within a website or to other websites, making purchases or initiating other actions. A link is typically made using text, icons, images or other objects appearing in a display to access another text file, program or media function. Based on current technology, hot spots and hyper links are limited to preordained functions and are internally static, such that they have not been programmed or modified to perform a wide variety of functions. In addition, hot spots

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have not been widely adapted or incorporated into video files. As the applications employed on the Internet fail to adequately address the foregoing issues, the instant invention gives the end user the ability to effectively and efficiently control and change the response of multi-functional hot spots and hyperlinks on a website. Consequently, this invention would be well received, especially in connection with video.

As noted, the use of hyperlinks and hotspots are known in the art, however current applications are static and do not address the problems noted above. For instance, U.S. Patent No. 5,918,012 discloses the hyperlinking of time-based data files and embedding movies into other file types. It does not disclose the use of hot spots, as contemplated by the instant invention, and does not load the data file at startup but rather consults it on every click. U.S. Patent No. 5,708,845 discloses a system for mapping hot spots in media content for interactive digital media program. This patent discloses data files being separate from the video and linking to additional types of data. However, it fails to disclose the ability to change the type of information each hot spot links to, or having a hot spot that links to multiple databases or sites. U.S. Patent No. 5,539,871 discloses a method and system for accessing associated data sets in a multimedia environment in a data processing system and associating data with elements in a multimedia presentation. The user may elect to have the associated data set presented by selecting the additional graphic element associated with the animated element. U.S. Patent No. 5,970,504 discloses a moving image anchoring and hypermedia apparatus which estimates the movement of an anchor based on the movement of the object with which the anchor is associated and time intervals in which the hyperlink is active.

The foregoing prior art fails to disclose hyperlink and hot spot technology that is flexible, adaptable for use in videos, platform independent, multi-tasked, and changeable and adaptable in functionality. Hyperlink and hot spot technology having these specifications would be well received. Consequently, there exist a need for programmable hyperlinks and multi-functional hot spots.

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## BRIEF DESCRIPTION OF THE DRAWINGS

Figs. 1A-1C illustrate the system logic flow diagram of the preferred embodiment of the instant invention.

5 Fig. 2 is an illustrative view of a representative screen display in accordance with the instant invention.

## DETAILED DESCRIPTION OF THE INVENTION

With reference to the drawings, Figs. 1A-C to 2 disclose the preferred embodiment of the instant which is generally referenced by numeric character 10. The instant invention 10 comprises an interactive software based system and device having processor readable code stored on a tangible medium that can add, use, change, adapt and process hot spots, such as hyperlinks, in video files and other types of files as well. The instant invention 10 adds hot spots to video and provides a means for using and modifying the function of the hot spots. Thus, the hot spots may be programmed with multiple objects to have multiple functions and may be activated or deactivated through a menu bar or control buttons 93 that are provided in accordance with the invention. The software of the invention, hot spots and corresponding objects are platform independent and may be defined in one or more databases. The hot spots may be programmed with objects to be able to perform various functions while a user is residing in a video or other website location; such as making a bid in a bidding or auction system 91 (as shown in Fig. 2), linking to another web page or URL address, linking to other videos, placing a digital telephone call (as shown in Fig. 2), or transmitting or accessing other types of communications, systems (e-mail, etc.) and information. The invention 10 uses the video

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stream in a way that the objects within the video are accessible and can be defined as working or idle hot spots.

The invention incorporates HTML language or comparable languages for loading documents through a web browser. The HTML document loaded by the web browser  
5 contains a downloadable custom plug-in(s) that implements an algorithm, and/or tags that specify, among other things:

1. The path to a Java applet containing the object code necessary to execute the claims specified in the patent;
- 10 2. The path to the video file that the applet will play; and/or
3. The path to a data file that contains variables used to create objects that contain the information needed to represent areas on the screen, called "hot spots", in software.
- 15 The data file contains tags that can specify various functions, such as:
  1. Whether the movie or video should only play once or continue to loop;
  - 2 The URL of the web page to open when an object with a hot spot definition in the video is clicked;
  - 20 3. A signature that uniquely identifies an item so that it can be added to a shopping cart when an object in the video is clicked;
  4. The URL of a movie to play when an object in the video is clicked;
  5. A signature that uniquely identifies an auctioned item such that a bid for it can be entered into a multicast bidding system when clicked; and/or
  - 25 6. A signature that uniquely identifies an item on the screen that once initiated a communication system/digital calling system is activated.

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The instant invention requires, but is not limited to, at least one tag in the data file, and at least one of the above noted steps, (2)-(6), should be specified for defining the "hot spot's" functionality (defined through the mode control buttons/bar 93). In accordance with the teachings of the instant invention, a "hot spot" can be programmed with more than one definition or functionality, and the mode control bar can be expanded to an indefinite number of mode control buttons.

The logic and operation of the invention is shown in Fig. 1. With reference to Fig. 1, a user powers up the computer, launches a web browser and loads an HTML document containing a downloadable custom plug-in(s) that implements an algorithm and/or tags that pass parameters to a Java applet (12-18). It is important to note that a downloadable custom plug-in(s) may be used to implement an algorithm to perform the same tasks, instead of a Java applet. Consistent therewith, the applet reads the data file, creates and initializes custom defined objects in accordance with the data file and registers areas on the screen (i.e. hot spots) using a geometric region obtained from the custom defined objects (20-24). The applet loads the movie and draws a menu bar 93 at the top, bottom or other location in or near the video area 90 where the movie is displayed and plays the movie (26-28). The applet gives a visual cue (highlights, illumination, or shading) for all hot spots for a particular time interval, such as ten (10) seconds (30), which occurs while the movie is playing, but not necessarily all at the same time. The software of the invention 10 continually monitors whether the screen cursor is over a hot spot (32). If the cursor is detected as not being over a hot spot, then the invention 10 determines whether a control bar action has been activated (56). If the cursor is detected as being over a hot spot, then it checks whether the current time

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position of the movie playback is within the range specified by the custom defined object (34). If the answer is no, then the program 10 determines whether a control bar action has been activated (56). If the time position is within the specified range, then the applet gives a visual cue in the area specified by the hot spot object (36). Next, the program of  
5 the invention determines whether the user has "clicked" the hot spot. If no, then the program 10 goes on to determine whether a control bar action has been activated (56). If the user activates the hot spot (i.e. clicks it), then the program 10 determines the mode of the applet (40-52), as shown in Fig. 1B. If in the shop mode, the applet adds the items specified by the custom defined object to the user's shopping cart (40-42). If the applet is  
10 in the entertain mode, then it opens another browser window, playing the movie located at the URL address obtained from the custom defined object in the corresponding hot spot (44-46). If the applet is in the bid mode, then it enters a bid into the bidding system for the item specified by the custom defined object (48-50). If the applet is in the link mode, then it opens a browser window using the URL obtained from the custom defined  
15 object (52-54). After determining the applet mode or lack thereof, the program 10 determines whether the user clicked or activated the mode or control buttons/bar 93.

Regardless of how the user or program 10 gets to the decision block for determining whether the user has clicked in the control bar, the program 10 proceeds with said inquiry and several other inquiries depending on the responses. For instance, if the  
20 program determines that the user has not clicked in the control bar (56), then it determines whether the movie has reached the end (74). If no, the program 10 loops back to determine whether the cursor is over a hot spot (32). If the movie is determined to have reached the end, then the program 10 checks the data file to see if the movie should

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continue looping (76). If yes, then the program 10 loops back and continues playing the movie (28). If no, then the program stops (78). If the program has determined that the user has in fact clicked in the control bar (56), then it checks to see whether the user has selected the shop mode, entertain option, bid option or link option from the control bar  
5 (58-72). After the mode or option has been determined, the program checks to see if the movie has reached the end, as described above (74-76).

The instant invention has been shown and described herein in what is considered to be the most practical and preferred embodiment. It is recognized, however, that departures may be made therefrom within the scope of the invention and that obvious  
10 structural and/or functional modifications will occur to a person skilled in the art.

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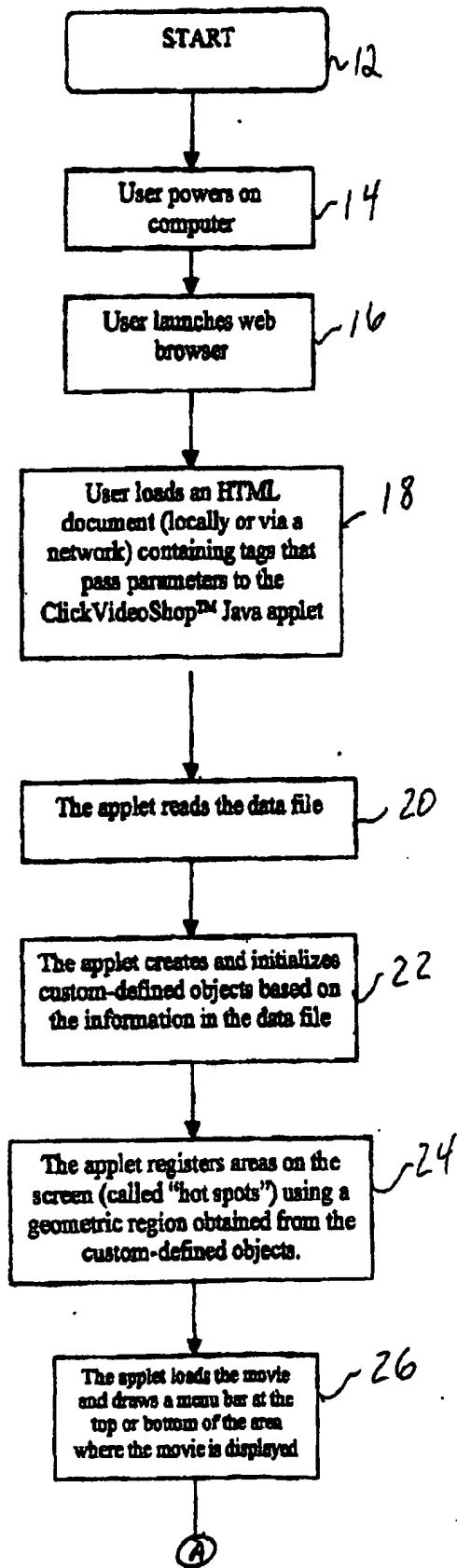


FIG. 1A

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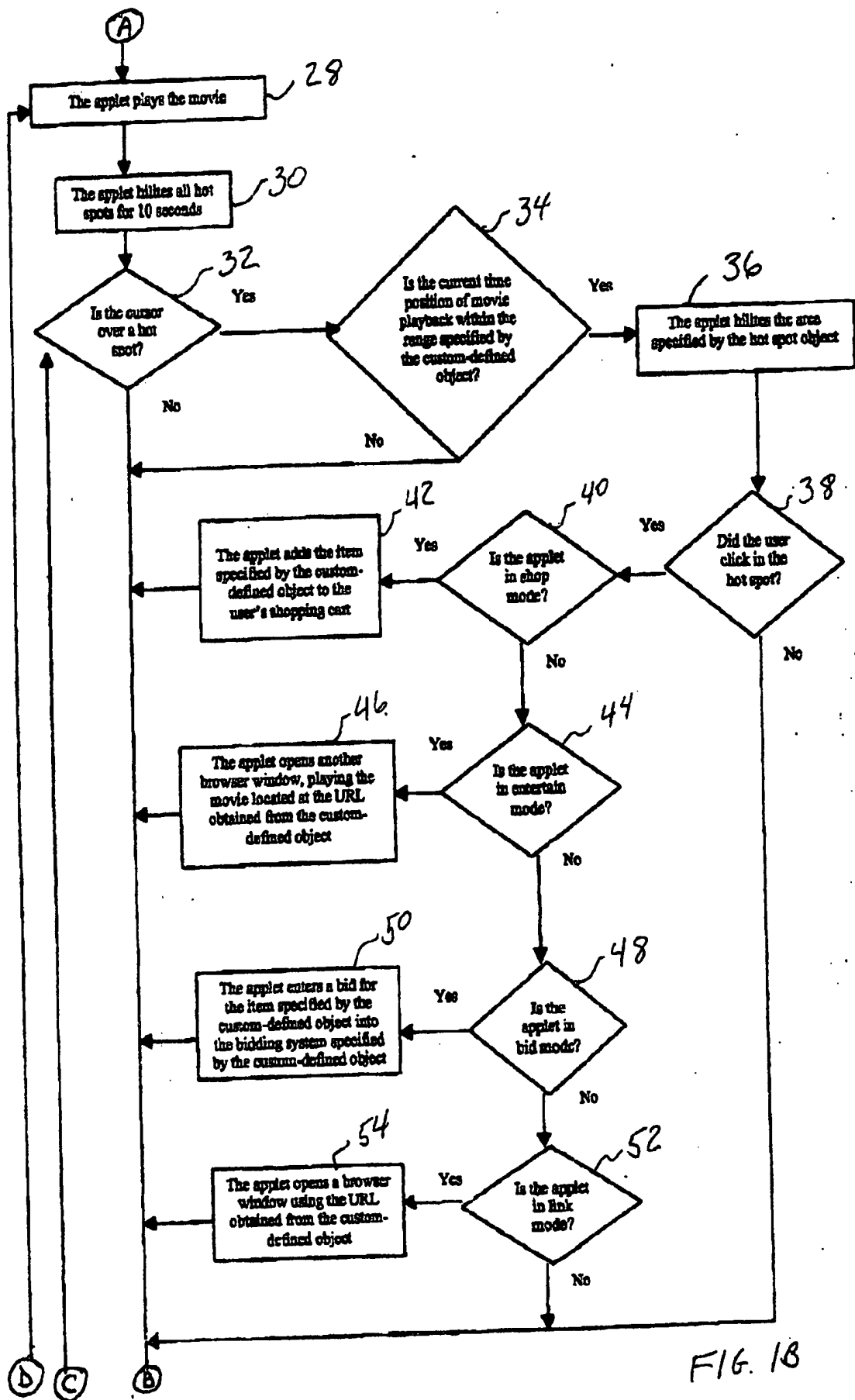


FIG. 18

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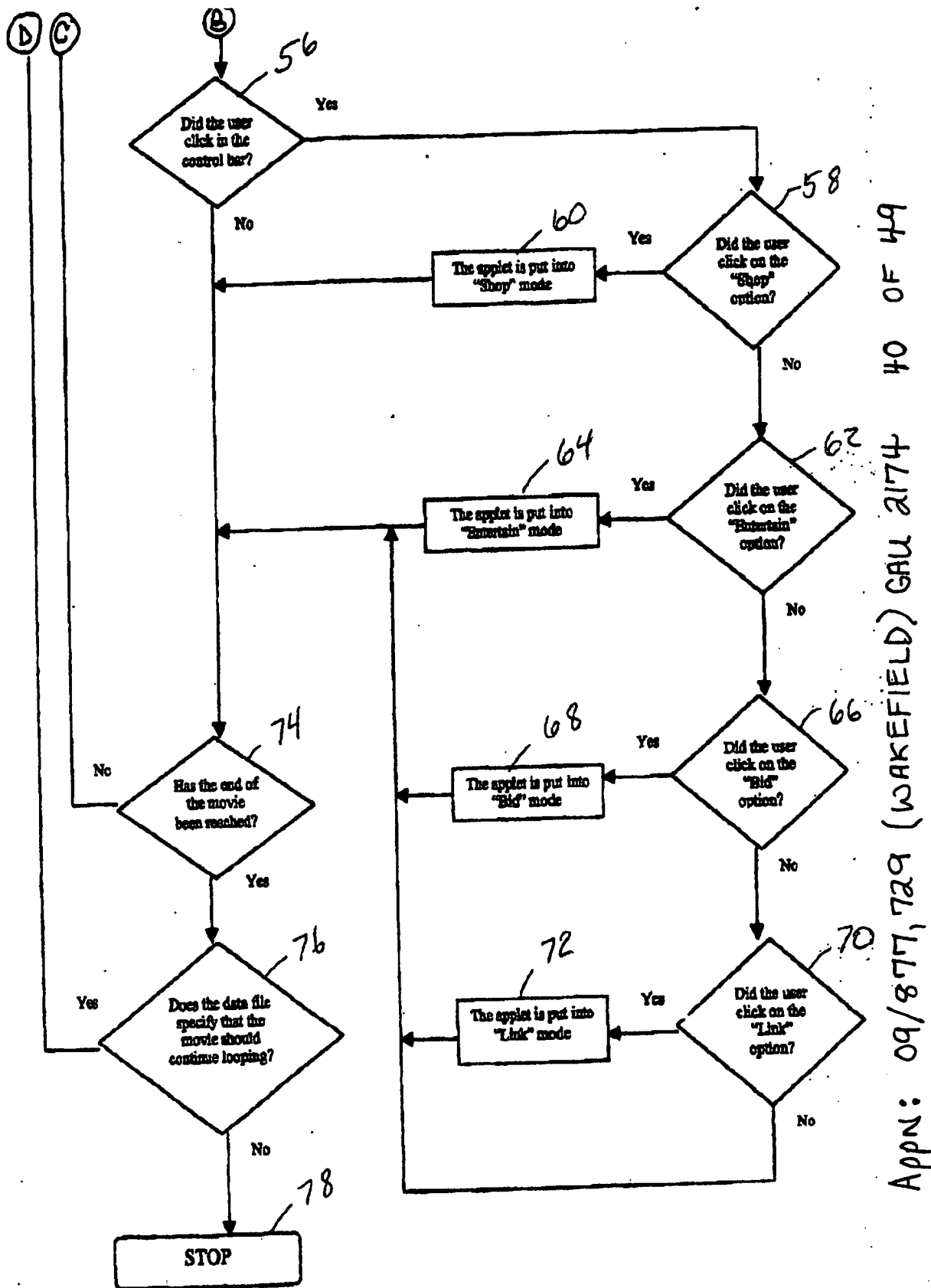


FIG. 1C

# CLICKVideoShop™

THE NEXT GENERATION INTERACTIVE SOFTWARE

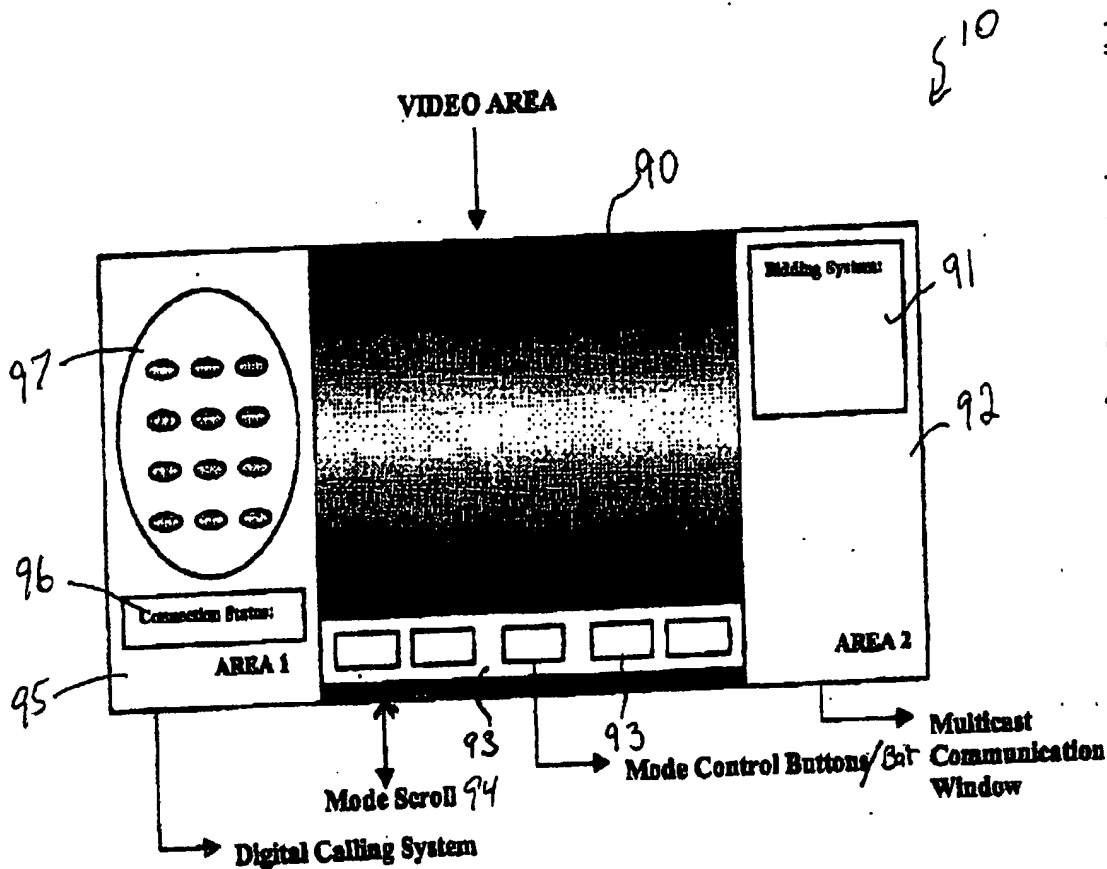


FIG. 2

## NOTE:

- AREA 1 and AREA 2 are multicast windows that are controlled by the mode control bar. The windows only appear when the video is placed in a particular mode (ex: BID, COOLeCall . . .etc.).
- The shape of the Video Area, Multicast windows, and general layout of the entertainment area are subject to design change. It should be understood that the invention is not limited to the disclosed embodiment, but on the contrary is intended to cover various modifications and equivalent arrangements included within the spirit and scope of the appended claims.

Appn: 09/877,729 (WAKEFIELD) GAU 2174 41 OF 49

Applicant or Patentee: Wakefield, Franz A.

Attorney's Docket No.: 1212.L101

Serial No. or Patent No.: TBD

For: METHOD AND SYSTEM FOR CREATING, USING AND ADAPTING WEBSITE HOT SPOTS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(c) and 1.27(b)) - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under §41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled METHOD AND SYSTEM FOR CREATING, USING AND ADAPTING WEBSITE HOT SPOTS described in

- ☒ the specification filed herewith  
☐ application serial no., filed  
☐ patent no., issued (date)

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

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- ☒ no such person, concern, or organization  
☐ persons, concerns, or organizations listed below:

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FULL NAME:

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

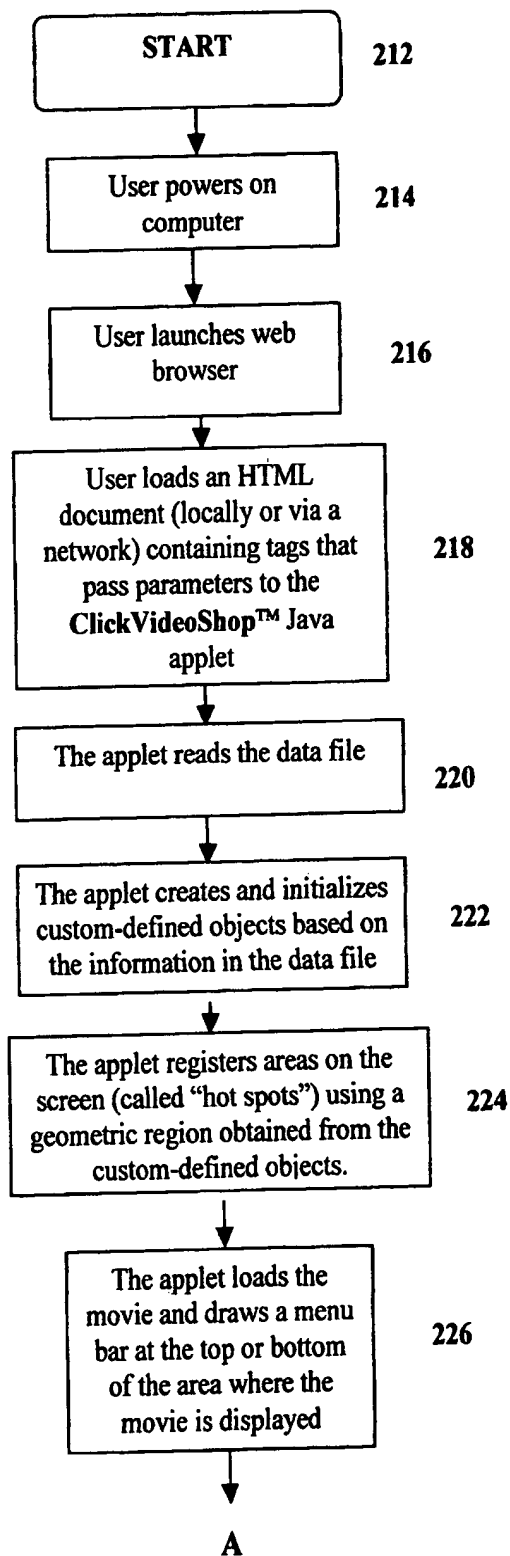
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent: issuing thereon, or any patent to which this verified statement is directed.

FRANZ A. WAKEFIELD

  
Signature \_\_\_\_\_ Date 6.7.00

I:\bitforms\patent forms\small entity claim

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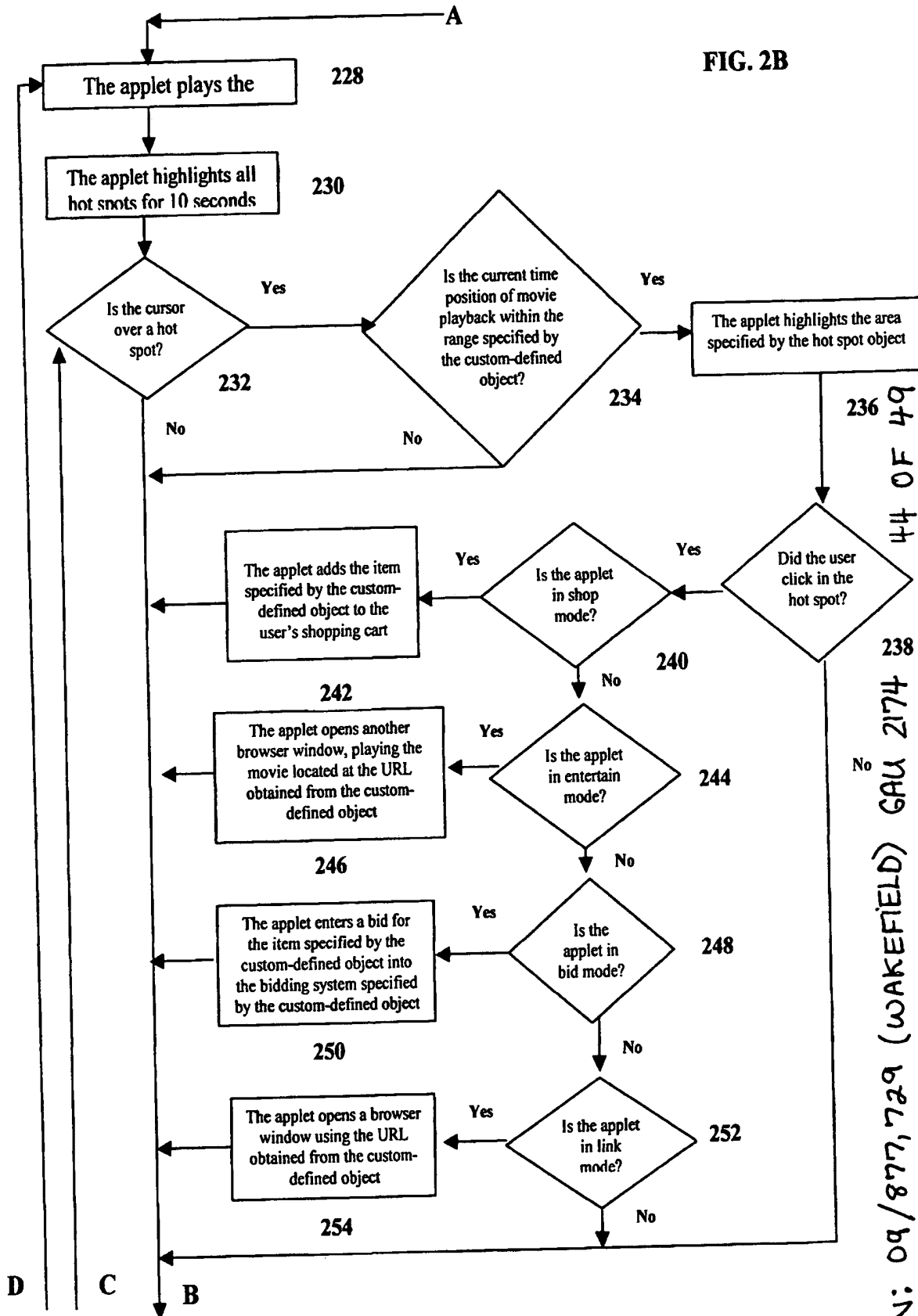


200

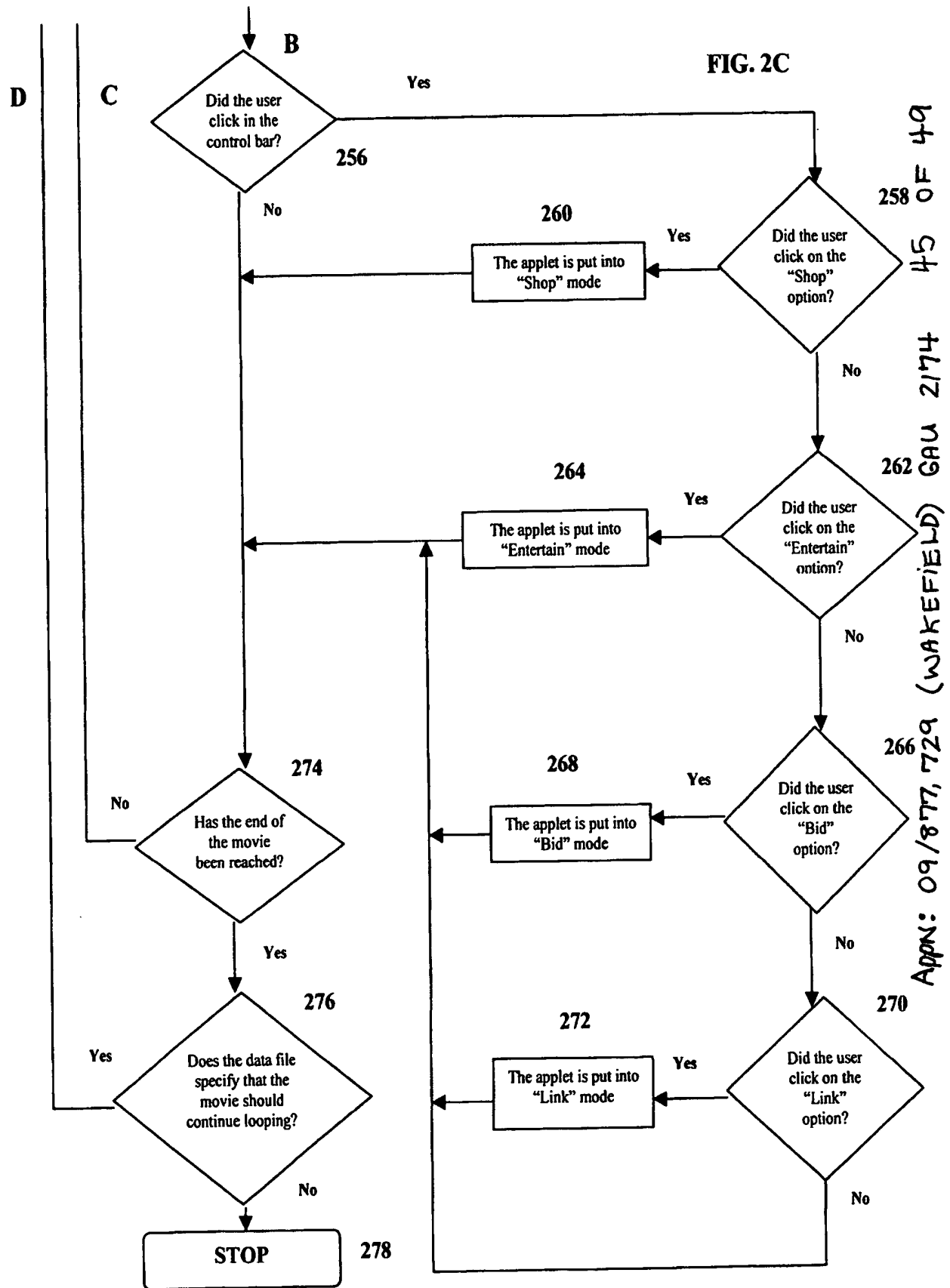
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FIG. 2A

FIG. 2B



AppN: 09/877,729 (WAKEFIELD) GAU 2174 44 OF 49



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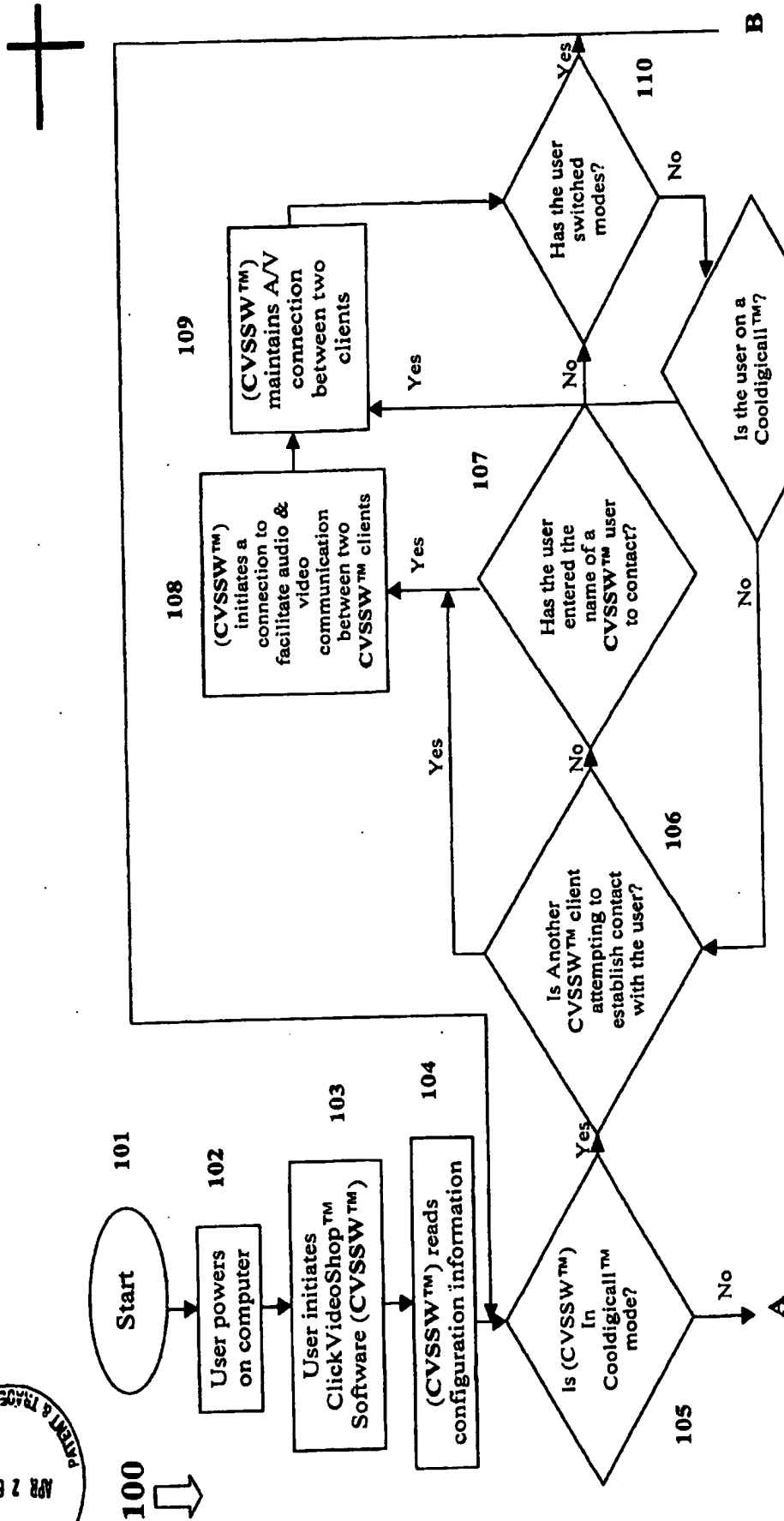
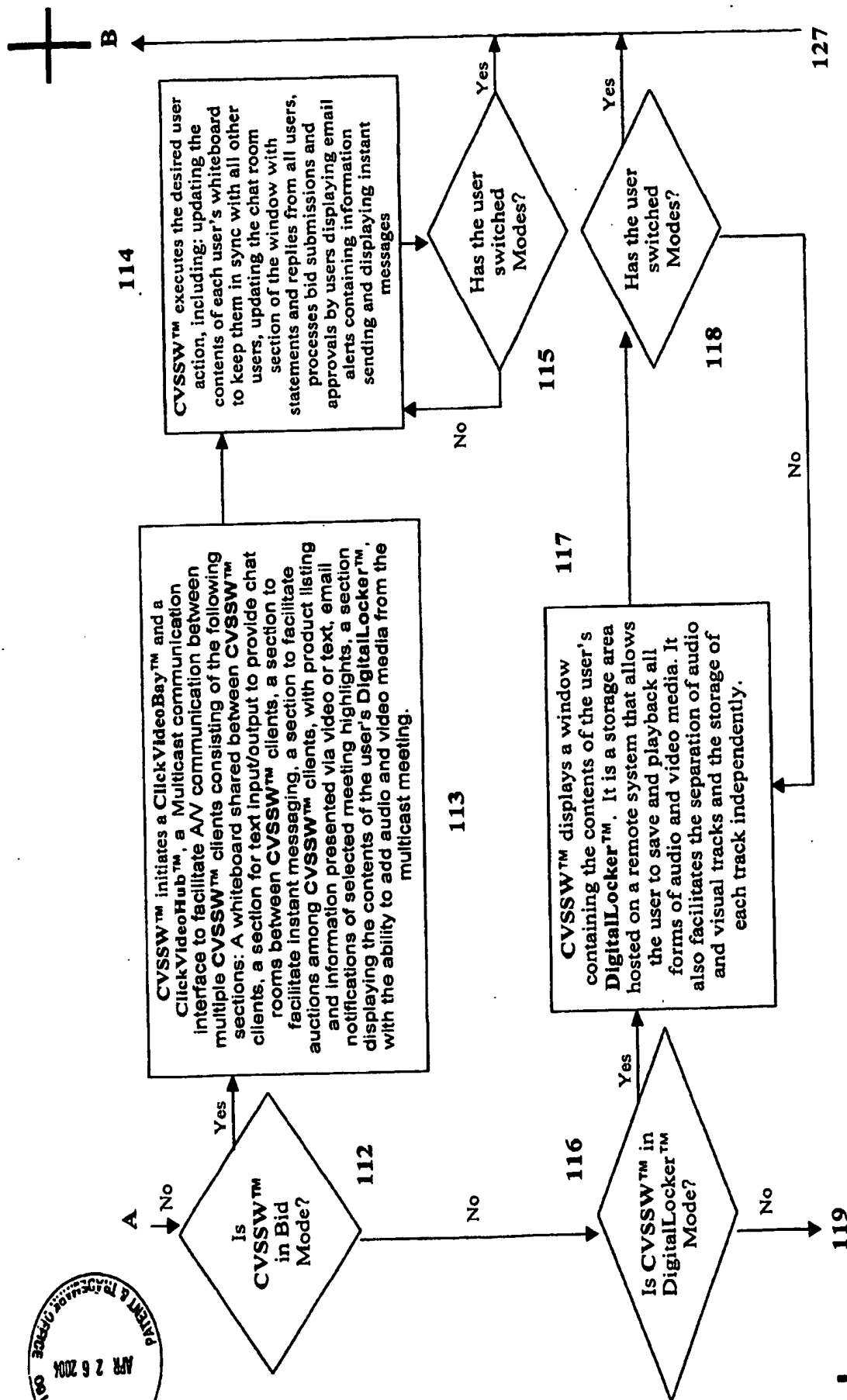


FIG. 1A





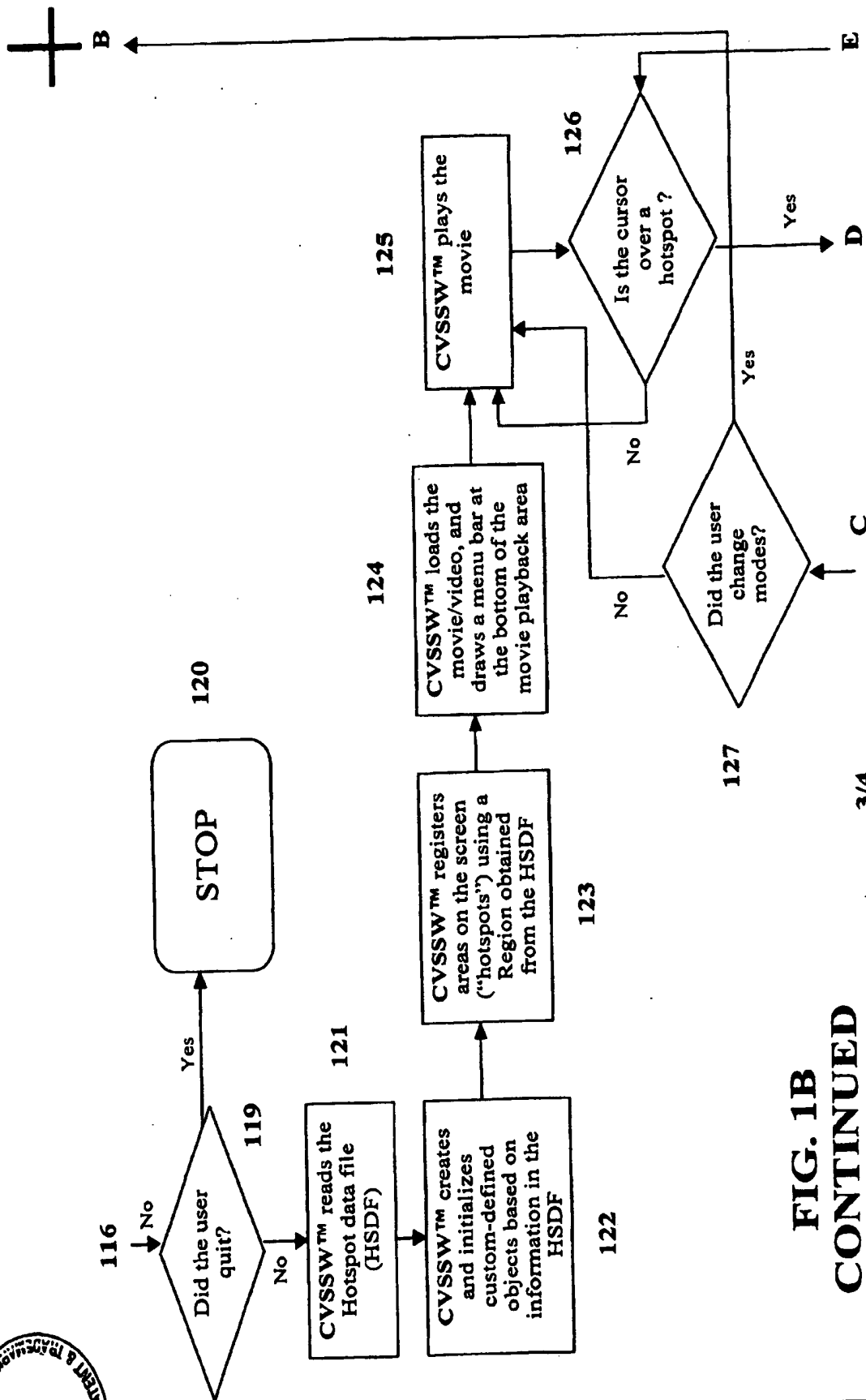


FIG. 1B  
CONTINUED

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PATENT & TRADEMARK OFFICE

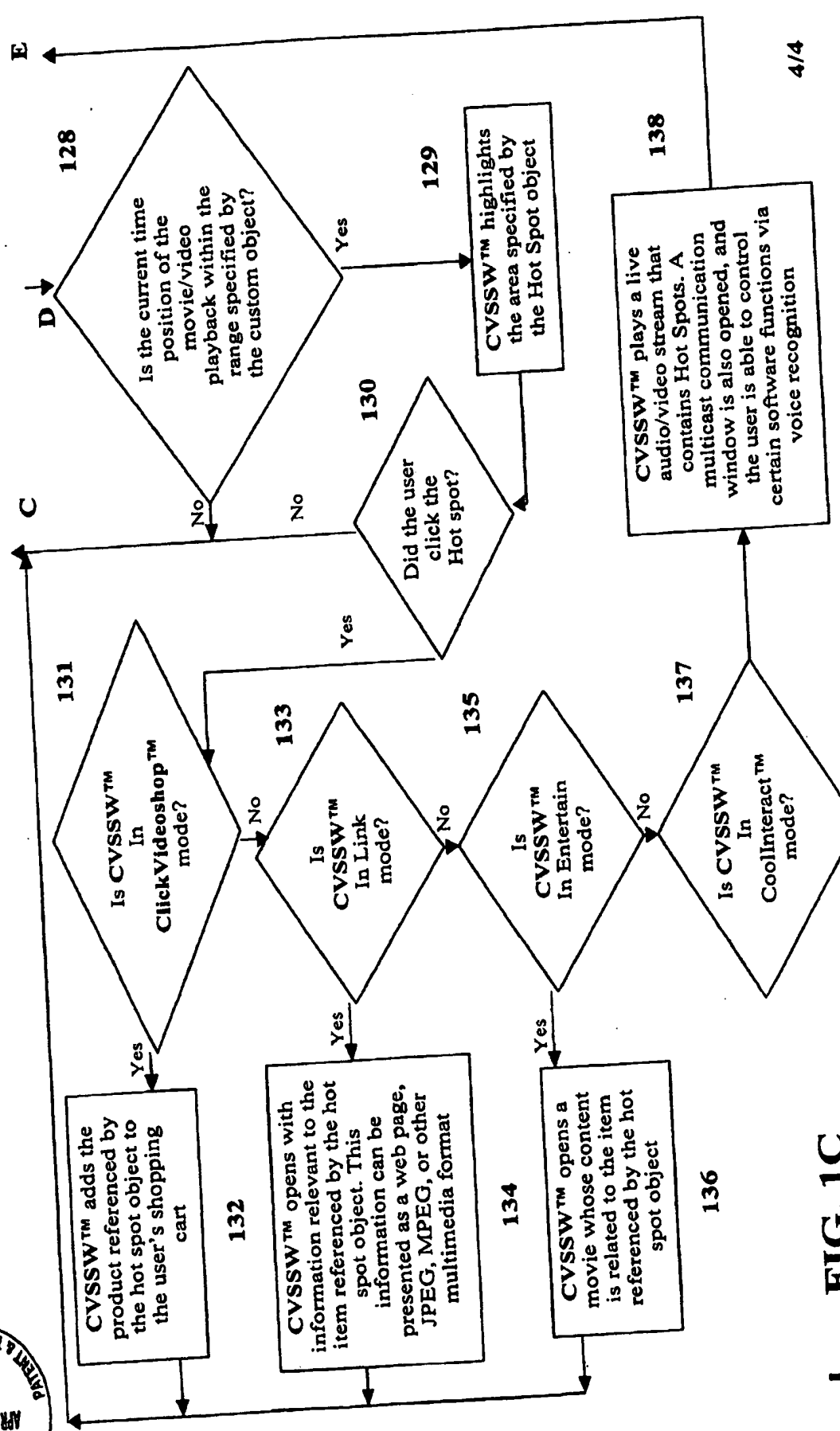


FIG. 1C

CTv Presentation Text

APP18 & REC1

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CVSSW Market Overview:

i. Entertainment

a.) Purchase client products in entertainment video archives.

1. Video Biographies
2. Sports Clips
3. Entertaining Commercials
4. Now-&-Then Entertainment News
5. Video Time Capsules
6. Interactive Games
7. COOL Cartoons
8. COOL MusicVideos
9. Movies

ii. Real Estate

a.) Purchase products in home, and commercial property video showcases.

b.) View technical specs (price, specifications, delivery options, or payment options . . .etc.) of products in commercial and residential RealEstate; with the option to ClickVideoShop™.

iii. Digital Auctions / Market Places

a.) Facilitate the bidding, technical display, and purchase of products in ClickVideoBays™.

APP18 & REC1

#### iv. Auto Industry

- a.) Facilitate the purchase of car products/accessories and cars by the technical display of cars and accessories through product performance videos.

#### v. Corporate Applications

##### a.) Video Conferencing/Auctions, Meetings . . .etc.

1. Real time processing
2. Allows colleagues or meeting members participating in the videoconference (auction, corporate meeting . . .etc.) to click on objects or areas in the video and have an automatic message or user direct message communicated in a multicast communication system. The software does this by registering the entire video area, or certain sections (ex: left quadrant of video which is correlated to product specs) as a Hot Spot.

Note: Hot Spots should be designed to link to presentations, diagrams, charts, or schedules. These Hot Spots are defined (made to "point" to the relative information like charts, schedules, or diagrams) when the user is making the presentation.

When any meeting participant clicks in the area (Hot Spot definition) it tells or communicates to each meeting member; who clicked, what area of concern they had an inquiry about, and the actual inquiry (inquiry can be visual text, voice, video or a combination of them all.)

#### Services Related to Website

##### Services

- Digital Lockers--allows members to search the interactive entertainment database for their favorite selections and save them in their own personalized and private digital space. Users can chose to store & organize video entertainment, entertainment news past & present, and personal notes.
- Video Time Capsules--offers users special video compilations of their favorite era in time.

- **Video Biographies**--offers users special video compilations of their favorite athletes, artists, and entertainers.
- **Post-It-Corners**--gives users, with aspirations to be in the entertainment industry, the creative outlet to "Post-It!" (music singles, video scenes from aspiring Big Screen movie makers, & Video Biographies from hopeful supermodels). This service will provide the global community with a grab-bag of quality, filtered, and a vivid source for entertainment.
- **Now-&-Then Entertainment News**--gives users a searchable database of video footage, and text information that documents entertainment news of the past and present. This service will span a variety of entertainment categories under the COOLTVNetwork, focusing on the event and the relevant artist, athletes, and entertainers.
- **CLICKVideoShopping**--presents proprietary CLICKVideo technology to net-surfers and allows them to place the actual video files in Entertain, CLICKVideoShop, or Link mode. These particular modes will allow the user to click on video objects, open other relative videos (Video Biographies, Prospective athlete footage, Video Time Capsules. . .etc.), add objects to a digital shopping cart, or link to the object's manufacturer website.
- **Talk Back!**--gives consumers the opportunity to voice their opinion in the "Critique Corner." This service will be a useful resource to many fronts; whether it be utilizing the authentic criticism to effectively tailor our site to our consumers, or allocating the comments as a resource for market research & consumer analysis. This service will provide the necessary feedback for a consumer conscious evolving website.

### SOURCING

Picture surfing @ COOLPlaysoftheDay.com, and reminiscing on game 6 of the Chicago Bulls vs. Utah Jazz play-off. With Chicago trailing by three points, Michael Jordan scores on a drive, strips the ball from Karl Malone, and buries the game-winning shot with 5.2 seconds to go. What if you had the opportunity to click on the Nike or Chicago Bulls logo, pause the video, and link to their respective websites, or click on Michael Jordan's sneakers, and add it to your digital shopping cart, while caught in the awe of The Legend himself. COOLTVNetwork.com will give corporate clients this interactive advertising and marketing edge; an edge that will provide deeper consumer psychological tagging, and more profound product recognition. It will provide the long sought after Buchanan moment, a seducible moment, for consumers via the Internet.

## Technology

COOLTVNetwork has dedicated it's efforts and resources to creatively pushing the envelope of technology. Our team has partnered with Exodus Communications, a premier Managed Monitoring Service provider, to obtain cutting edge bandwidth capabilities, hardware, and real-time monitoring.

Our progressive company has meshed innovative ideas with products, services, and marketing phrases that will distinguish COOLTVNetwork.com from it's competition. We are in the process of acquiring trademarks on our products along with the corresponding patents.

Our products & services will make entertainment interactive, centralized, customizable, and on demand. The COOLTVNetwork team is continually generating ideas that will keep us ahead of any spin-off companies that may try to imitate us.

## MARKET SEGMENTATION/TARGET MARKET SEGMENT STRATEGY

Americans' total spending on entertainment will increase almost 36% in the next five years, according to projections from Equifax National Decision Systems in San Diego, California. Through Net-interactivity COOLTVNetwork.com has carved out a niche in this growing entertainment market. Our company, in its premier showing has focused on launching an entertainment bundle, that will rejuvenate four lucrative facets of entertainment (sports, music, cartoons, & entertaining commercials). The COOLTVNetwork will present cutting edge technology, interactive customizable entertainment, e-tailing, and live-person customer service. Our aim is to expand the entertainment market by understanding and harnessing the digital revolution, promoting Net-purchases, & sponsoring local, national, and international entertainment variety.

According to Cambridge based on Technology Corp., @ least 72% of the companies it surveyed reported their employees were frequently accessing sports sites followed by music sites and those involving television, radio or movies. In today's society where being "connected" is a must, our team will engender change by being "eCOOL!" and fostering consumer loyalty by utilizing five integral ebusiness components:

1. Entertainment Value
2. Authenticity and Technology Saavy

**3. Planned and Spontaneous Entertainment Purchases**

**4. Fan Bonding (or the ease that fans and consumers can identify with the company)**

**5. Customer Satisfaction**

Our target markets are the Internet Kids, Generation Y, Generation X, and the Baby Boomers. At COOLTVNetwork.com the consumers in these markets will have the opportunity to dive into a deep reservoir of colorful focused entertainment, tailored to diversity. Our team will effectively reach our target market through a series of product tie-ins, school promotions, and national radio/magazine ads.

For example, COOLTVNetwork.com will merge "the top two teen habits [which] are buying clothes and going to the movies," (Keith Snelgrove, MGM's senior vice president of worldwide promotions) to penetrate the trendsetting teen market.

The youngest adults are avid surfers because they grew up with fast-paced programming like "Sesame Street" and MTV. "Younger people are looking for increased stimulation when watching television," says Rajeev Batra, associate professor of marketing @ The University of Michigan. COOLTVnetwork will satisfy the hunger for interactive entertainment, providing "Now & Then" Video Entertainment News, CLICKVideoShopping, Customizable Entertainment, Video Time Capsules of artists/athletes and "Digital Lockers" to all our consumer markets.



## MARKET NEEDS

The Evolution of the Internet is nontraditional and liquid in form. It has proven to be the chancellor of change, on many fronts, penetrating markets that have been bullied for many years by the corporate "big boys," like music, books, and travel. As codecs decipher the bandwidth bottleneck, we will see the Internet continue to evolve by engendering change on the entertainment frontier. "With significant broadband penetration into U.S. homes at least three to five years away," (The Standard 3/27/00) it is imperative that astute visionaries effectively position themselves to leverage a market estimated at 100 billion. COOLTVNetwork is structured like a cable network and will feature a broad variety of "COOL" channels, with shows on subjects ranging from Sports to Soap Operas. Our team will get content by leveraging CLICKVIDEOSHOP (TM), The Next Generation Interactive Software, as a revenue generator, and a facilitator of stronger consumer psychological tagging for content providers & their client product-tiers. To consumers our "COOL" Network will offer on demand, interactive, customizable entertainment diversity with a touch of technology savvy. COOLTVNetwork.com will thus cater to entertainment producers, their client companies (because of proliferated product-tiers), and will provide our network with an effective barrier for entry, an overhead reducer, and a "consumer retainer."

## RECENT NEWS

What happened?

Earlier today, five major Hollywood studios announced plans to distribute movies on demand over the Internet.

Why is this significant?

There are three reasons why this is important.

First, it is over the Internet. While the studios have previously focused their video-on-demand efforts in the cable TV and satellite TV sectors, this is the first time for a big move into Internet distribution. There are two basic reasons for this.

1. The studios want to insure that some sort of copy protection scheme is used when the videos are distributed. To date, the vast majority of the cable operators in the United States have not activated the copy protection circuits that are already installed in the digital set-top boxes.



# Consumer Information Center

Phone Number: 888-225-5322

Fax Number: 717-338-2694

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Total Pages : 7

Please Deliver to:

Name: franz  
FaxNo: 9,1-954-704-0941  
Company:  
Phone Number: 954-441-5848

Message:

This fax is being sent in response to  
request number: 02539863. Sent by TSR37  
\*\*Please DO NOT fax anything in return.

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APP18 & REC2

Digital Television Consumer Information  
November 1998

The arrival of digital television ("DTV") this fall promises to be one of the most significant developments in television technology since the advent of color television in the 1950's. DTV has the capability to provide clearer and sharper, cinema-like pictures as well as multi-channel, CD-quality sound. It can provide new uses such as multiple video programs or other services on a single television channel, including data services. The use of DTV technology will also allow television to enter the digital world of the personal computer and the Internet. ★ ★ ★

As with any major technology change, it will be important for consumers to understand the capabilities of new equipment in order to make purchase decisions. The new digital television sets will have many new features and technical characteristics that will vary somewhat between different models and manufacturers. In addition, special features may be needed when using DTV sets to receive programs from cable, direct satellite, or other video service providers.

This bulletin has been prepared to provide consumers with information on the new DTV technology, its upcoming deployment, and the capabilities and features that are expected to be available in the new DTV sets. We will release periodic updates to this bulletin to help consumers keep up with digital television developments such as improvements in the compatibility between the digital programming and equipment used by broadcasters and cable operators.

#### 1. Why change today's TV system to DTV?

Today's television system has served the American public well for almost three generations. Over the years, additional features and functions, such as color, stereo sound, remote control, cable channels, closed captioning, and parental control features were developed. Even with these improvements, TV sets became less expensive and more affordable.

However, today's television system is now showing its age. A transition to digital is occurring in all media technologies. Direct broadcast satellite providers, for example, have offered digital service since their inception. In contrast, the shortcomings of the 50-year-old analog technology used by broadcasters -- such as limited resolution and color rendition as well as problems with "ghosts" and interference from other radio sources -- have become increasingly apparent as consumer TV sets have become larger and more technologically advanced.

Therefore, at the request of the television broadcast industry, the FCC sponsored an effort to investigate the possibility of significantly improving the technical quality of today's television system.

More than 10 years ago, scientists and engineers in the broadcast, cable, and consumer electronics industries and in government worked on the development of this new television system. Many different approaches were developed and tested. Today's DTV system represents the culmination of this work. DTV eventually will replace today's analog television service. After a transition period that allows stations to construct DTV transmission facilities and consumers gradually to replace their TV sets, broadcasts

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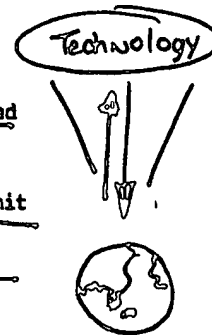
broadcast television service will be provided with the new DTV system.

## 2. What is DTV?

DTV is a new "over-the-air" digital television system that will be used by the nearly 1600 local broadcast television stations in the United States. The DTV standard is based on the Advanced Television System Committee (ATSC) standard A/53. (For more details on this standard, you can also visit the ATSC web site at <http://www.atsc.org/>.)

The DTV standard is a very flexible television system that will allow broadcasters to provide new and higher quality services. First, DTV will permit transmission of television programming in new wide screen, high resolution formats known as high definition television (HDTV). In addition, the new DTV television system allows transmissions in standard definition television (SDTV) formats that provide picture resolution similar to existing television service. Both the HDTV and SDTV formats will have significantly better color rendition than the existing analog television system. The DTV system also will allow broadcasters to transmit multiple programs simultaneously using a single television channel. TV stations will, depending on the type and source of programming, be able to transmit multiple SDTV programs or in some cases two HDTV programs. DTV also will provide improved audio quality, similar to that of compact discs, with up to five channels of sound per program.

The new system will also support delivery of digital data services simultaneously with television and audio programming. Using this data transmission capability, it will be possible for broadcast stations to send publications (such as a local "electronic newspaper"), program schedules, computer software, information requested about specific products, or virtually any other type of information, at the same time that they transmit regular television programming. The DTV system also provides the flexibility to support the introduction of new services in the future, as technology and viewer interests continue to develop.



## 3. How does DTV provide these improvements?

With DTV, television pictures, sound, and new data services will be transmitted digitally, rather than as an analog signal. The increased capabilities and new services of DTV are made possible through the use of digital compression techniques that allow more information to be transmitted in the same amount of spectrum used by an existing television channel. The data rate of the DTV signal in the 6 MHz broadcast television channel is 19.44 Mbps. This compares with data rates of today's telephone modems of between approximately 28 and 56 Kbps.

## 4. How will DTV be provided by broadcasters during the transition?

Television stations will operate two channels during the transition: an existing analog channel as well as a new DTV channel. The analog channel will allow consumers to continue to use their current TV sets to receive traditional analog programming during the transition. The DTV channel will allow consumers to receive new and improved services with new DTV sets or with special converter boxes that will allow some DTV programs and services to be viewed on existing analog sets. Roughly 1/2 of the nation's households should be able to receive DTV service by the end of 1999, and everyone else will have access by 2002 (more information on this schedule is provided below). At the end of the transition -- which is currently scheduled for 2006 -- stations will relinquish one of their two channels as they cease

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12/10/02

Schedule is subject to periodic review by the FCC and can be extended beyond 2006 if certain conditions relating to the number of consumers who can receive DTV signals are not met.

5. When will broadcasters begin providing DTV service?

Local broadcasters will be initiating DTV service at different times. A station may begin DTV service as soon as it has received its FCC permit and is ready with equipment and other necessary preparations. The FCC has established a schedule by which broadcasters must begin DTV service (absent extenuating circumstances that may affect individual stations). This schedule requires that stations affiliated with the top four networks (ABC, CBS, FOX, and NBC) in the 10 largest markets begin service by May 1, 1999. Stations affiliated with these networks in markets 11-30 must begin service by November 1, 1999. All commercial stations must begin DTV service by May 1, 2002, and all noncommercial educational stations must start by May 1, 2003. More than 100 stations are on the air now with DTV service.

6. Will DTV operate for the same hours and reach as far as existing local TV service?

TV stations generally will be required to operate their DTV service on the same schedule as their existing service. Most stations' DTV service will reach at least as far as their existing service. However, some stations may operate initially with lower power transmitters, which may cause DTV service in these individual cases to not reach as far as existing TV coverage. You can contact your local TV station to see if its DTV service will be available where you live. Specifically, you may want to ask your local broadcaster whether its DTV signal is strong enough to cover its entire analog service area. If it is not, you may want to ask your broadcaster whether your neighborhood is within the station's initial DTV coverage area and when the broadcaster plans to extend its DTV signal coverage.

7. Do I need a new TV set to receive DTV?

In general, to enjoy the full benefits of DTV such as wide screen, higher resolution pictures you will need to purchase a new DTV set. Existing television sets will not be able to display DTV signals. However, it is expected that less expensive converter boxes will be available that will allow you to watch DTV programming in standard definition format on an existing TV set. These boxes will receive DTV signals and convert them to the transmission system used by existing TV sets. The pictures received through these converter boxes should be clear of the "ghosts," and other interference that are characteristic of today's analog TV service in some areas. These converter boxes also will allow any new DTV programs (i.e., programs that are not also available via traditional analog service during the transition) to be displayed on existing TV sets. However, because most existing TV sets were not designed to display high resolution pictures, converter boxes will not be able to provide the higher HDTV picture quality that will be available on new DTV sets. Also, it is possible that some new DTV sets may be marketed that will not be able to display all DTV formats. For example, some DTV sets may not be able to display HDTV signals at their full resolution potential or some sets may not have the new wider screen size. Consumers should be aware of these format differences in selecting DTV sets and should ask electronics retailers to fully explain the capabilities of new DTV equipment.

8. Will the new DTV sets be expensive?

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~~manufacturers have indicated that they expect prices to fall over time. As noted above, consumers also will have the option of obtaining a converter box that adapts an existing set to digital service. The price of these boxes is expected to drop significantly during the transition to full DTV service.~~

9. Do I need an outside antenna to receive DTV? Is the antenna I use for existing TV reception good enough?

DTV is intended to work with an outside TV antenna (as is today's analog TV service). If you have an outside antenna and it provides acceptable TV reception now on UHF channels (i.e., channels 14-69), it should also work for DTV. Also, if your indoor antenna is capable of receiving UHF television service now, you may also be able to receive DTV service with that antenna. Indoor DTV reception is affected by a number of factors that vary depending on local conditions. Many retailers carrying DTV equipment have information about local reception conditions. In addition, some retailers are providing technical assistance to customers currently purchasing DTV equipment, including in some cases visits to the home to assist with reception issues. You may want to advise your retailer whether you plan to use an indoor or outdoor antenna and ask whether technical assistance is available.

10. Will I be able to receive existing TV programming on my DTV set?

Yes, digital television sets available during the transition will be fully compatible with traditional analog TV programming. These new digital sets will have the capability to receive new DTV programming and will also be able to receive all the programming you receive today on your traditional set. This means that new DTV sets will be able to display all of the programming available today from broadcasters, cable operators, satellite TV services, other video service providers, and pre-recorded sources. So if you buy a new digital set, you will not lose the ability to get any of the programs you now receive on your current set. You should know, however, that depending on your cable operator's plans for carrying DTV signals (see below), you may need an antenna to receive broadcast DTV programming. To watch both antenna-received programming as well as programming from other sources such as cable or satellite, you may need extra equipment (such as an input selector or "A/B" switch).

11. Will cable systems carry local DTV signals?

The FCC does not currently require cable systems to carry DTV signals. The FCC is, however, considering whether to impose such requirements. Nevertheless, some cable operators have indicated that they may carry the DTV programming of local broadcast stations. If these signals are carried in their original DTV format, no additional equipment will be needed to receive them on DTV sets. Some cable systems may, however, convert DTV programming to different digital formats and/or may carry DTV signals at lower resolutions than the original broadcast signal. In such cases, special cable "set-top" boxes may be needed to receive DTV. Consumers should consult with their local cable operator about its plans for providing the DTV programming of local television stations. Because cable operator plans vary from market to market, consumers seeking additional information may want to pose the following questions to local cable providers:

- \* Will your cable system carry local digital broadcast channels when they become available in this market?

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by the cable company?

- \* If I need a new cable box, how will it affect the features of my new DTV set? For example, will I be able to use picture-in-picture features?  
Can I use the on-screen program guide that is included in my new DTV set?

12. Some cable systems are offering digital services. Does this mean that these cable systems will provide DTV signals just like broadcasters?

Not necessarily. Many cable systems are now offering digital service. However, these digital systems generally are intended to allow cable systems to provide more channels and other services, such as access to the Internet. Special digital set-top boxes are needed to convert digital cable signals for display on existing TVs. Also, cable systems use different digital standards than the DTV standard used by broadcasters and current DTV sets, so digital cable services currently cannot be directly received by DTV sets. Therefore, just as is the case with many existing TVs, a special digital set-top box will be needed to receive digital cable services on a new DTV set. Consumers should be aware that there may be additional charges for digital cable services and that special set-top boxes are needed to receive them. The FCC, with encouragement of the cable industry and consumer electronics manufacturers are working together to try to develop standards to facilitate compatibility between DTV sets and digital cable service. This eventually may permit DTV sets to receive cable service (including digital service) without the need for special converter boxes.

13. Will there be any HDTV cable programming available?

Yes. Some cable programmers are now offering high definition versions of "premium" content such as movies and live sporting events and a few cable systems are carrying that programming. If you are considering the purchase of a DTV set, you should know that you initially may not be able to receive premium cable channels in high definition formats because copyright agreements have not been completed. Specifically, certain kinds of premium content generally may not be available in HDTV formats until methods for preventing the making of unauthorized copies become finalized. Work on these "copy protection" solutions is underway but is not yet complete. You therefore may wish to ask your local cable operator to describe its plans for offering high definition cable channels. Specific questions you may want to ask include:

- \* Is your cable system planning to offer any digital cable programming?  
If so, what programming will be in HDTV formats?
- \* Will my new DTV set be able to receive HDTV cable programming when it becomes available?
- \* If not, can my new DTV set be upgraded with new capabilities or special equipment to receive HDTV cable programming when it become available?

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14. Will I be able to receive satellite TV services, including new HDTV programming, on my DTV set?

Yes. Several satellite TV program providers (generally the same as those providing HDTV programming for cable systems) are now supplying plans to supply, high definition digital programming to DTV sets. New set-top satellite receivers and slightly larger dishes generally are needed to receive this programming. You may wish to ask your satellite TV provider about its plans for providing DTV programming, including any plans for providing high definition programming.

15. Where can I get more information about any of these questions and issues?

For more information on these topics, you can e-mail questions to the FCC's Office of Engineering and Technology at [oeinfo@fcc.gov](mailto:oeinfo@fcc.gov). Also, as discussed above, you should contact your local television station, cable provider, satellite service provider, and consumer electronics retailer to learn more about specific issues. The FCC also will provide additional consumer bulletins in the future to keep consumers informed as the DTV transition progresses.

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## Samsung puts hard drive in a mobile

Graeme Wearden

ZDNet UK

September 07, 2004, 09:35 BST

Tell us your  
opinion

The 'world's first' mobile phone with a built-in hard drive has been unveiled. Would it push the iPod out of your pocket?

The convergence of mobile phones and other portable devices shuffled another step forward on Monday when Samsung launched a handset that contained a 1.5GB hard drive with a one-inch diameter.

Samsung has claimed that the SPH-V5400, which was launched in Japan, is the first mobile phone to include a hard drive. Users will be able to store a wide range of different media types on it, including digital music files and photos.

With an estimated retail price of \$800, according to the *IDG News Service*, the SPG-V5400 is a relatively expensive way of buying storage capacity.

But as the device will be able to store over 350 MP3s recorded at 128 bits per second, it could serve as a passable substitute to an iPod -- if there was also music-playing software on the phone, that is.

The SPG-V5400 also has two LCD screens -- a main screen of 320 by 240 pixels, and a secondary screen of 128 by 128. Over recent years the tech industry has been debating whether mobile phones or PDAs would end up dominating the handheld computer sector. The battle appeared to have swung in favour of the new range of smartphones that have been hitting the market, but manufacturers have been struggling to squeeze enough memory into the handsets. Hard drive manufacturers are constantly competing to squeeze more capacity into the same form factor -- last month, Toshiba announced it had created a 1.8-inch drive with a capacity of 60GB. There is also a big push to create smaller drives, below the one-inch mark, at a price that's viable for commercial deployment.

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APP18 & REC3



## Video Coming to Mobile Phones

By Mike Langberg  
06/28/04 12:15 PM PT

In the United States, video messaging got started in March 2003 with T-Mobile. The company now offers two phones capable of shooting 10-second video clips: the Nokia 3660 at \$149 and the Nokia 6600 at \$299, both prices requiring a one-year contract.

▼ advertisement

Older PCs may be more vulnerable to viruses. Don't get caught with your guard down. Upgrade to a new HP Business Desktop dc 5000 featuring the Intel® Pentium® 4 Processor with HT Technology today. And see how HP client management software can protect your IT environment. [Get upgrade information today.](#)

"In the future, everybody will be famous for 15 minutes," goes the legendary quote from 1960s artist and self-promoter Andy Warhol.

We're now living in the future, and it seems everybody will indeed get to be on camera for 15 seconds, if not 15 minutes, thanks to a new generation of mobile phones that shoot short video clips as well as take still pictures.

By year-end, the five biggest wireless carriers -- AT&T (NYSE: T) QWireless, Cingular QWireless, Sprint PCS (NYSE: PCS) Q, T-Mobile Q and Verizon Wireless -- will all offer video recording and messaging.

Yes, this is scary in a way. We're just figuring out that tiny phones can snap unwelcome pictures in locker rooms, and suddenly we've also got to also worry about being surreptitiously captured in full-motion video and sound.

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I've just finished testing what Sprint PCS calls "video mail" with a Samsung QVM-A680 phone and I'm going to deliver a split decision.

On the one hand, the quality of current mobile phone video is terrible. Motion is jerky and blurry, colors are faded and the image is tiny. Sprint PCS also charges too much -- \$5 a month -- for the privilege of transmitting the video clips.

On the other hand, making short videos is a hoot, despite the privacy risks. I shot an 11-second masterpiece of my 3-year-old daughter Sara, who's just starting to remember entire songs, finishing up "Row, Row Your Boat" with the line, "Life is but a stream."


Either way, whatever I think probably doesn't matter much. Any mobile phone with a still camera can be redesigned to also shoot video, just by adding a little bit more software, processing power and memory. And almost all mobile phones are likely to have cameras within a year or two.

### *Beyond Voice*

Wireless carriers also are eager to find new ways to make money beyond voice calls, so you can expect them to push hard on video messaging.

In the United States, video messaging got started in March 2003 with T-Mobile. The company now offers two phones capable of shooting 10-second video clips: the Nokia (NYSE: NOK) Q3660 at \$149 and the Nokia 6600 at \$299, both prices requiring a one-year contract. For \$2.99 a month, subscribers can send 20 video messages a month by e-mail or to other T-Mobile customers who have phones capable of playing video. Additional messages are 10 cents each. Subscribers can also send messages for 25 cents each with no upfront monthly fee.

Sprint PCS came next in December and now offers three video models: the Sanyo VM4500 at \$199, the Toshiba VM4050 at \$179 and the Samsung VM-A680 at \$149, all prices with a two-year contract. To send video clips, which can't exceed 15 seconds, requires subscribing to the Sprint PCS Vision wireless Internet service for \$15 a month and paying an additional \$5 a month for unlimited video mail.

AT&T Wireless (NYSE: AWE), which has agreed to be acquired by Cingular Wireless later this year, is quietly offering video recording on one model: the Nokia 6820 at \$199 with a two-year contract. Sending video clips, which can be as long as 60 seconds, costs 40 cents per message. Oddly, AT&T doesn't mention video messaging on its Web site  or in any of its sales literature. You apparently have to discover on your own that you can send video messages in the same way as still picture messages.

## *Verizon and Cingular*

Verizon Wireless and Cingular Wireless both say they will offer video messaging no later than fall.

Because few people have phones capable of playing video clips, the most obvious way to share what you shoot -- other than having everyone cluster around a tiny cell-phone screen -- is e-mail.

In my test with Sprint PCS, uploading a 15-second video clip to send as e-mail took from 20 to 40 seconds. Messages I sent to myself arrived in my e-mail inbox almost instantly.

The e-mails showed a still frame from the clip and invited me to click a "Play Video" link. Clicking the link opened a pop-up window, and the clip played inside a tiny window within the pop-up.

There's also an option to download the clip to your computer. For reasons I don't understand, the downloads are "zipped," so you have take the extra and very annoying step of unzipping them. What you get are files in the ".mov" format used by Apple's (Nasdaq: AAPL) free QuickTime Qplayer. Clips running the full 15 seconds are just under 300 kilobytes in size, small enough to easily share.

## *Video-Messaging Picture*

As I said above, the video quality is minimal. Any fast action dissolves into a blur, and colors look washed out. But the audio in my clips was strong and mostly in sync with the video. The Samsung VM-A680 even includes a movie light for illuminating dark scenes, although it's so weak as to be almost useless.

A Samsung representative couldn't tell me how much video the phone would hold. It has 3 megabytes of internal memory. If devoted entirely to video, that might hold between one and two dozen clips.

The video-messaging picture should improve dramatically in the next few years, if you'll pardon the obvious pun.

Camera phones will get more resolution, so playback will look better on computers, and phones could also get tiny internal hard drives to store at least several hours of video. High-speed wireless data networks will make it practical to share bigger video clips.

AppN: 09/877,729 (WAKEFIELD) GAU 2174- 4 OF 8

For now, I'd only recommend trying mobile phone video if you start with diminished expectations. If you're not looking for high quality, you're less likely to be disappointed.

I also think it's unlikely most people would use the feature enough to justify Sprint's (NYSE: FON) Qinsistence on collecting \$5 a month. The pay-per-message approach at T-Mobile and AT&T Wireless seems much more consumer-friendly. ECT

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## Video Recorder

Your Nokia 6600 phone is equipped to film digital videos approximately 10 seconds in length. These video clips may be sent to other T-Mobile video capable phones or to any e-mail address. Please note that an e-mail recipient may need to download the Nokia Multimedia Player from [www.nokia.com/support/phones/6600](http://www.nokia.com/support/phones/6600) to play the video.

### Tips


- Recorded video clips are in the H.263 format, which result in a file that has the extension .3gp.
- You can record videos up to 95 KB in size or approximately 10 seconds long.
- The video recorder saves the video clip to either the phone's memory or to the memory card.
- A recording timer is displayed in the upper right corner of the screen.
- Press the joystick up to zoom in on your subject before or during recording. Press the joystick down to zoom out again.

### Filming and saving videos

1. Press the Menu key  on the phone to open the main menu. Scroll to the Video Recorder and then press the joystick to open the recorder.
2. Once an image is displayed on the screen, press the joystick to start recording.
3. Use the left soft key to select Pause if wanted. Select Stop with the right soft key to quit recording and save the video clip to Gallery > Video Clips.


### Playing video clips

Immediately after recording a video clip, use the left soft key to select Options, scroll to Play and then press the joystick. The video clip will be replayed using the Real One Player™.

To view a saved video clip, press the Menu key  on the phone to access the main menu. Scroll to Gallery > Video Clips and press the joystick. Scroll to the desired image and then press the joystick to select it.

### Sending a video via Multimedia Messaging Service (MMS)


1. After recording the video, select Options by pressing the joystick.

NOTE: To send a saved video clip, press the Menu key  on the phone to open the main menu. Scroll to Gallery and then press the joystick. Scroll to the Video Clips folder and press the joystick. Scroll to the desired clip and then press the joystick to select it.

2. Scroll to Send and then press the joystick.
3. Scroll to Via multimedia and press the joystick.
4. Enter the recipient's phone number or the e-mail address in the To: field.

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5. Scroll down and enter your message to include with the video clip.

TIP: To change text input mode, press the Pencil key  on the phone to switch between alpha mode to enter e-mail addresses and numeric mode to enter numbers. To enter a period, press the number 1 key. To enter the dash and the @ symbol, press the \*+ key on the phone to access a table of symbols.


6. Use the left soft key to select Options > Send to send the message.

TIP: You can use the left soft key to select Options and then scroll to the desired menu item to: add recipients, insert sounds, video clips, and objects; or remove the picture; and preview the message before sending.

### **Sending videos via Bluetooth**

Your Nokia 6600 phone is equipped with Bluetooth technology and is capable of sending pictures to another Bluetooth equipped device. To send a picture via Bluetooth:

1. After taking the picture, select Options by pressing the joystick.


NOTE: To send a saved video clip, press the Menu key  on the phone to open the main menu. Scroll to Gallery and then press the joystick. Scroll to the Video Clips folder and press the joystick. Scroll to the desired clip and then press the joystick to select it.

2. Scroll to Send and then press the joystick.
3. Scroll to Via Bluetooth and press the joystick. Select Yes if you are prompted to turn on Bluetooth. The phone then searches for other Bluetooth devices that are currently activated and displays a list of available devices.
4. Scroll to the desired device that you want to send the message to and then press the joystick.

### **Sending videos via Infrared**

Your Nokia 6600 phone is equipped with infrared technology and is capable of sending pictures to another Infrared equipped device. To send a picture via infrared:

1. After taking the picture, select Options by pressing the joystick.

NOTE: To send a saved video clip, press the Menu key  on the phone to open the main menu. Scroll to Gallery and then press the joystick. Scroll to the Video Clips folder and press the joystick. Scroll to the desired clip and then press the joystick to select it.

2. Scroll to Send and then press the joystick.
3. Scroll to Via infrared and press the joystick. The phone then connects to infrared.

TIP: To send messages via infrared, the recipient's device (computer or phone) must have infrared activated prior to attempting to send the clip. Also, your phone must be in the line of sight of the recipient's infrared port in order to send.

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## Sending videos via e-mail

You can send video clips to e-mail addresses. When you send a video clip to a computer, the recipient receives an e-mail on the computer with the video clip as an attachment. In order for the recipient to view the video clip, he/she must go to <http://www.nokia.com/support/phones/6600> and download the free Nokia Multimedia Player. Once the recipient downloads and installs the Nokia Multimedia Player, he/she can double click the video file attachment to view.

To send a video clip from the Nokia 6600 to an e-mail address:

1. After recording a video, select **Options > Send** and then select **Via e-mail**.

**TIP:** To send a saved video clip, press the **Menu key** on the phone to access the main menu. Scroll to **Gallery** and press the joystick. Then scroll to the **Video clips** folder and press the joystick. Scroll to the desired clip and press the joystick to select it.

2. Enter a valid e-mail address into the **To:** textbox. Scroll down and include any subject or body text desired.
3. Using the left soft key, select **Options > Send** to send the message.



**Nokia 6600**

- » Filming and saving videos
- » Playing video clips
- » Sending a video via Multimedia Messaging Service (MMS)
- » Sending videos via Bluetooth
- » Sending videos via Infrared
- » Sending videos via e-mail

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Appn: 09/877,729 (WAKEFIELD) GAN 2074



## Vodafone live!

Vodafone live! is an easy-to-use consumer service, bringing customers a world of colour, sound and pictures. Vodafone live! enables customers to use picture messaging, download polyphonic ringtones and colour games, and browse branded infotainment from integrated camera phones, through an easy to use icon-driven menu.

Customers, in the 16 countries where Vodafone live! has launched, can access world leading exclusive content from the world's leading entertainment brands including UEFA Champions League, Tomb Raider, Sony Pictures, The Simpsons and Ferrari.

The continued success of Vodafone live! has been recognised with a number of industry awards including Best Consumer Wireless Application or Service at the 2003 GSM Association Awards, and, most recently Best New Service at the World Communications Awards and Best Network Service at the Mobile Choice Consumer Awards.



### Vodafone live! with 3G

On 4 May 2004 Vodafone announced the introduction of 'Vodafone live!™ with 3G' for consumers in Europe.

Vodafone live!, the industry-leading, multi-media consumer service, will be enhanced by 3G technology in a series of phases. This will bring consumers improved quality, sound, pictures and videos, as well as increased speed when downloading games and ringtones. They will also be able to access a select range of new services such as video calling, video downloads (sport, news, music and general entertainment) and the streaming of live events to their handset, as well as existing services such as video messaging.

Vodafone is the first mobile operator to bring 3G technology to both business and consumer markets across a number of European countries. For the consumer market, initially this will be on two new handsets - the Samsung Z105 shortly followed by the Sony Ericsson Z1010.

Vodafone live! with 3G will be enhanced later this year, when there will be a wider selection of handsets available, together with an even more extensive range of content.

*Peter Bamford, Chief Marketing Officer, said:*

"Today's announcement is another important stage in Vodafone's 3G journey and follows the successful European launch of our 3G Vodafone Mobile Connect Card for business customers.

"Extensive consumer trials of Vodafone live! with 3G indicate that early adopters are keen to try this technology and so we are giving them a taste of it prior to the full launch of enhanced services later in the year.

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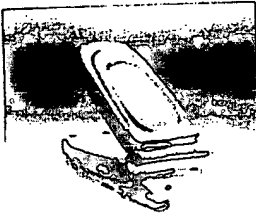
4 May 2004  
Vodafone Group

## Vodafone introduces Vodafone live!™ enhanced with 3G in Europe

Vodafone announces today the introduction of "Vodafone live!™ with 3G" for consumers in Europe.

Vodafone live!™, the industry-leading, multi-media consumer service, will be enhanced by 3G technology in a series of phases. This will bring consumers improved quality, sound, pictures and videos, as well as increased speed when downloading games and ringtones. They will also be able to access a select range of new services such as video calling, video downloads (sport, news, music and general entertainment) and the streaming of live events to their handset, as well as existing services such as video messaging.

Vodafone is the first mobile operator to bring 3G technology to both business and consumer markets across a number of European countries. For the consumer market, initially this will be on two new handsets - the Samsung Z105 shortly followed by the Sony Ericsson Z1010.



From today, Vodafone live!™ with 3G is available on the Samsung Z105 handset in selected retail outlets in Germany and Portugal. Other countries will follow in the coming months.

Vodafone live!™ with 3G will be enhanced later this year, when there will be a wider selection of handsets available, together with an even more extensive range of content.

Peter Bamford, Chief Marketing Officer, said: "Today's announcement is another important stage in Vodafone's 3G journey and follows the successful European launch of our 3G Vodafone Mobile Connect Card for business customers.

"Extensive consumer trials of Vodafone live!™ with 3G indicate that early adopters are keen to try this technology and so we are giving them a taste of it prior to the full launch of enhanced services later in the year.

"Over the next year, Vodafone live!™ with 3G will open up a whole new world of communication and entertainment via the mobile phone. As well as texting and speaking to friends and family, consumers will be able to use their mobile phones in different ways, helping them enjoy richer communication, anywhere, any time."

(c) Vodafone Group 2004. VODAFONE, Vodafone Mobile Connect and

Appn: 09/877,729 (WAKEFIELD) GAU 2174 2 OF 9

9 January 2004  
Vodafone Germany

A mini cinema in your pocket: more video clip fun from Vodafone

Video clips now available for downloading  
Less complex: fixed price, no connection charges  
New: "Playboy Clips" - photo session with dream girls

The popularity of the mobile phone as a "pocket cinema" is growing by leaps and bounds, with more and more people using their handsets to find out the latest soccer scores, to keep up to date with news from all over the world, or simply to enjoy a cartoon film. Vodafone is introducing a number of innovations for video clip enthusiasts. Whereas in the past only users with streaming-enabled handsets could view the short films, a selection of videos can now be downloaded to the mobile phone from the Vodafone live! portal and then played back offline, with the result that this capability is extended to a much wider range of handsets. Moreover, all video clips are billed at a fixed price - and with no connection charges. There is also an exciting new addition to the video selection: "Playboy Clips", featuring playmates and dream girls pictured during a photo shoot.

All the standard categories of video clips - News Clips, Bundesliga Clips, Cinema Clips, City Tour, Fun Clips, Music Clips, Comic Clips, Action Clips, Playboy Clips and Uefa Clips - are still available for one-off downloading on to handsets with streaming capability. Users now have the option of downloading on to their mobiles a number of sequences from the categories Comic Clips, Fun Clips, Action Clips and Playboy Clips. Once stored, these videos can be played offline any number of times. They [REDACTED]

[REDACTED]. This provides a further means of access to the video clips in addition to headings such as "Sport" and "Entertainment".

Fixed prices for all video clips - and no connection charges

A new price model is also being introduced: all Vodafone video clips - whether "download" or "streaming" - are now available for a fixed price, which has to be confirmed before they are retrieved. There are no connection charges. As Jurgen von Kuczowski, Chairman of the Managing Board of Vodafone D2, points out: "This means greater clarity for the user - and often a much more attractive price, especially in the case of lengthy clips." A video clip for one-off viewing costs on average €0.99\*, while the fee for downloading a video is usually €1.49. And there is now a clearer form of billing: previously, the costs for calling down a video clip were combined with

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AppN: 09/877,729 (WAKEFIELD) GAU 2174

24 July 2003

Vodafone Germany

## Vodafone expands video and news clip offerings

New music clips every Thursday

Mr Bean, Werner and Baby Fred on mobile phone

dpa Top News now features daily summary

Introductory period extended to end of September

Vodafone is expanding its Vodafone live! offering with the addition of the video clip categories "MusicClips" and "ComicClips". Each week the user can view three new videos - in many cases a full day before these clips are premiered by MTV or Viva. Another boon for users: they can follow the exploits of popular cartoon figures on the display of their mobile phones.

The video offering in the Vodafone live! portal now ensures plenty of variety for music fans. Whether they prefer Avril Lavigne, Outlandish, Justin Timberlake or perhaps some other star, every Thursday from now on these fans will be able to view three new music clips - each up to one minute in length - from the Media Control Charts. Some of the clips will even be available for viewing one day before they are initially featured on the MTV or Viva TV channels. Plans are also being made for "themed" categories, such as pop, rock and dance, and for a "Top 3" section containing the clips with the highest download ratings.

The music stars are being joined by a number of comic heroes. The adventures of Mr Bean, Werner ("Full steam ahead!") and Baby Fred can now be followed on the screen of a mobile phone. At present 15 humorous clips from this category are available.

### News clip offering increased

In collaboration with dpa-info.com, Vodafone has expanded its news clip service with the addition of interesting new functions. The Vodafone live! portal now includes a daily news programme entitled "Top News", a 90-second summary of the latest events nationwide. Certain news items are backed up by interviews and background information.

### Video clips at a glance - in Vodafone live!

In order to view the video clips, the user requires a streaming-capable mobile telephone, such as the Nokia 3650, the Nokia 7650\* or the SonyEricsson P800. The Vodafone live! menu contains an overview of all the video clip categories available (under "New"). During the introductory phase, which has been extended to the end of September this year, users pay between € 0.20 and € 0.90 (depending on the data tariff) for

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the volume of data transferred – usually around 100 KB per video. Thereafter, an "event price" will be charged for the video clips; this must be confirmed before the clip is downloaded.

\* In the case of the Nokia 7650, a video player can be downloaded free of charge from the Vodafone live! portal. Up to now only "contracted" customers have been able to view the videos on their mobile phones.

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25 June 2003

Vodafone K.K. (Japan)

## **J-PHONE movie Sha-mail users top 2 million**

**J-PHONE Co., Ltd. ("J-PHONE") announced that as of June 24, the number of subscribers to its video messaging service known as Movie Sha-mail passed the 2 million mark. J-PHONE reached this milestone approximately 7 months after exceeding 1 million users in November 2002 and 1 year and 3 months after first introducing the service in March 2002.**

In June 2001, J-PHONE officially began promoting its picture messaging service called Sha-mail and since then many have embraced the service to enhance their communications. Responding to the needs of customers wishing to send video clips in addition to static pictures, J-PHONE then took the next step by introducing Movie Sha-mail. With both Sha-mail and Movie Sha-mail, users now have access to greatly enhanced methods of expression not possible with simple text messaging.

**Like Sha-mail, Movie Sha-mail's success can be partly attributed to its ease-of-use. With a built-in mobile camera, a user can take a short video of up to 5 seconds with audio, attach the video to an e-mail called a "Super Mail" and then send it off. Receivers of the e-mail can then instantly open the file for playback.**

Presently eight Movie Sha-mail-enabled handsets are available in the J-PHONE handset lineup. In May, J-PHONE introduced the world's first handset with an embedded megapixel CCD mobile camera, the J-SH53 by Sharp, which can send Movie Sha-mails of up to 10 seconds and is compatible with the MPEG-4 format.

On June 18, J-PHONE registered over 10 million Sha-mail users, which includes Movie Sha-mail users, and as of June 24 had a total of 1.006 Sha-mail subscribers in total.

### **For further information, please contact:**

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19 June 2003  
Vodafone Netherlands

## Vodafone customers watch the news on their mobile

A mini-cinema in your pocket! From today, Vodafone customers can view short video clips via Vodafone live! on their live! handsets. This includes the latest news broadcasts from NOS and RTL, as well as trailers for the latest movies and music clips. In the Video & Audio section of Vodafone live! a wide range of video fragments are available online, easy to use and in full colour. Vodafone is the first mobile provider in the Netherlands to offer this innovative video service.

Customers can easily find the video clips they are looking for by clicking on 'Download' in the Vodafone live! menu. They can choose from the categories News, Films, Music, Fun and Erotica. Content providers such as NOS for the latest news and SonyMusic for the latest music clips guarantee that Video & Audio offers Vodafone customers the latest news and top quality entertainment. Vodafone will continuously expand the range of Video & Audio content offered through Vodafone live!.

. The only thing customers need to play the clips is a video player on their GPRS telephone. The latest Nokia 3650 handset is equipped with a media player. This handset has recently been added to the range offered for the Vodafone live! service. The Vodafone live! portal recognises the Nokia 3650 so that customers with that type of handset can simply click on the Video & Audio link under 'Download' . Later this year Vodafone will add new handsets with video capability to its range of Vodafone live! handsets.

### The Matrix Reloaded

Both Vodafone live! customers with a subscription and iZi (prepaid) customers can use the Video & Audio service. A video fragment of around 30 seconds such as the latest trailer for The Matrix Reloaded, costs on average of 55 Eurocents.

With this innovative service Vodafone takes a first step on the road to offering moving images, 'streaming' on mobile handsets reaffirming its leading position in the mobile market through its GPRS network. Later, Vodafone will also provide customers with streaming services through its UMTS network.

Note for the editorial staff:

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High-resolution images of the Video & Audio service on Vodafone live! are available free of rights via ANP press support.

12 May 2003

Vodafone Germany

With Vodafone live!, pictures on mobile phone screens are starting to move

Info and entertainment with moving pictures  
Easy access via the Vodafone live! portal  
Wide offering: news, football, cinema trailers or fun

A mini cinema in your jacket pocket: Vodafone D2 customers can now watch short video clips on their mobiles. Up-to-date news stories, trailers for the latest film or brief reports from the Bundesliga (German premier league): the video clips from various categories, which have an average length of 30 seconds, can be played online on your mobile via the Vodafone live! portal using video streaming. Vodafone D2 is the first mobile telecommunications operator in Germany to offer this innovative service.

Vodafone live! has become even more colourful and, more importantly, even more "mobile". To begin with, customers can find video clips in the categories News, Cinema, Sport and Fun by clicking on "Fun&Info" in the multimedia portal's menu. Customers can find all the video clips at a glance under "New" in the Vodafone live! portal. Cooperations with content partners such as the Deutsche Presseagentur (German press agency/dpa) or Tomorrow Focus next media guarantee the topicality and quality of the news and entertainment offering, which is to be extended continuously. Thus, Vodafone is the first operator in the German market to offer online information and entertainment to mobile phones using video streaming. Dr. Michael Paetsch, Marketing Director at Vodafone D2, comments as follows: "Pictures on Vodafone mobiles are now starting to move - and the mobile experience that is Vodafone live! is becoming even more exciting."

The only requirement for playing the video clips, which are transmitted to mobile phones via the streaming procedure, is a GPRS-compatible mobile with a video player: the Nokia 3650 handset has an integrated video player, and a video player can be downloaded for the Nokia 7650 on the Vodafone live! portal free of charge. Additional software or the activation of the service are not required.

During the introductory phase until the end of July 2003, customers only pay for the transmission of the data. Thus, the transmission, for example, of around 100 kilobytes for approximately 30 seconds of highlights of the

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top game in the Bundesliga costs between € 0.20 and € 0.90 depending on the data tariff selected. As from August 1, 2003, an event price, which has to be confirmed before retrieving the film, will be charged for the video clips. Further information on the video clips and the corresponding handsets can be found on the Internet at [www.vodafone.de](http://www.vodafone.de).

29 October 2003  
Vodafone Group

### First anniversary for Vodafone live!

Vodafone Group Plc ("Vodafone") today announces that one year after the ground breaking Vodafone live! was launched, the service now has over three million customers. Launching in eight countries on 24 October 2002, Vodafone live! enabled customers for the first time to access a range of easy to use services including picture messaging, game and polyphonic ringtone downloads and a wide range of world leading branded infotainment, all accessed through an icon based, colour menu on integrated camera phones.

Vodafone has continued the rollout of Vodafone live! with a further five countries launching the service since the beginning of 2003. In Europe, Vodafone Germany now has over 1 million Vodafone live! customers, with over 710,000 in the UK and more than 430,000 in Italy.

Vodafone live! is now entering a new phase of its development, with Vodafone beginning to roll out the service under licence across its non-controlled markets. Today, SFR will commercially launch Vodafone live! in France as part of a wider co-operation with Vodafone on products and services, and Swisscom Mobile is scheduled to launch its version of the service later this year.

Customers, in the 13 countries where Vodafone live! has launched, can access world leading exclusive content from the world's leading entertainment brands including UEFA Champions League, Tomb Raider, Sony Pictures, The Simpsons and Ferrari. As a measure of this progress, between October 2002 and July 2003, Vodafone live! customers downloaded in excess of three million games and over ten million polyphonic ringtones.

The continued success of Vodafone live! has been recognised with a number of industry awards including Best Consumer Wireless Application or Service at the GSM Association Awards, and, most recently Best New Service at the World Communications Awards and Best Network Service at the Mobile Choice Consumer Awards. Arun Sarin, Chief Executive of Vodafone, said: "The launch of Vodafone live! has been the most successful launch of a new service in the history of this company. Vodafone live! is illustrative of the differentiation that Vodafone has created in the marketplace and has had a crucial impact on our competitive positioning. The service has been widely

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21 July 2003  
Vodafone Group

## Acclaim and Vodafone sign exclusive mobile games deal

Acclaim Entertainment (International), a division of Acclaim Entertainment Inc, a worldwide interactive entertainment company and Vodafone, the world's largest mobile community, today announced an exclusive agreement to offer mobile game content in Vodafone countries through Vodafone live! based on Acclaim's forthcoming *Urban Freestyle Soccer* video game which premieres on Sony Playstation®, Microsoft Xbox™, Nintendo Gamecube™ and PC in October.

Entitled *Urban Freestyle* and available on Vodafone live! from the end of July, it will be the first ever mobile game to be available prior to the retail release of the console game. In addition Vodafone live! customers will be able to reveal cheat codes on their handset game that will unlock exclusive areas in the console game.

Under the agreement, *Urban Freestyle* will be available in 12 countries from the end of July 2003, prior to the game launch at the end of September 2003. The game is being developed to support a range of Vodafone live! handsets, including the Sharp GX10, Sharp GX10i, Sharp GX20, Nokia 7650 and Nokia 3650.

*Urban Freestyle Soccer* is the first urban arcade-style street soccer game of its kind to take the world's most popular sport back to its street roots with gang-style teams competing against their rivals for the right to be crowned King of the Streets. The mobile version of the game will focus on ball skills, pitting the player's dexterity and timing against the clock in *Urban Freestyle Soccer* arcade and challenge games. The player will be able to maximize their score through expert timing and also learn key combinations to perform the ultimate tricks. As the tricks increase in difficulty and reflex skills are put to the test, so the player's score increases.

Larry Sparks, VP Marketing International for Acclaim Entertainment said: "This is the very first time that Acclaim have distributed their gaming content via a mobile phone network and also the first time that a version of a video game has ever been available on a mobile phone prior to the retail release. I am thrilled to be working with Vodafone as our exclusive mobile partner on *Urban Freestyle Soccer* and I am confident there is huge potential in this

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